



Home	Bill Information	California Law	Publications	Other Resources	My Subscriptions	My Favorites
------	------------------	----------------	--------------	-----------------	------------------	--------------

**AB-2960 Judiciary omnibus.** (2021-2022)

SHARE THIS:  

Date Published: 09/20/2022 02:00 PM

**Assembly Bill No. 2960**

**CHAPTER 420**

An act to amend and repeal Sections 21701, 21703, 21705, and 21712 of the Business and Professions Code, to amend Sections 1102.5 and 1798.99.80 of the Civil Code, to amend Sections 1282.6, 1516, 1563, and 1733.1 of the Code of Civil Procedure, to amend Sections 4204, 6308, 7643, 7643.5, and 17404.4 of, and to repeal and add Section 6307 of, the Family Code, to amend Sections 12931, 12935, 12956.2, 12965, 14985.7, 14985.8, and 27388.2 of the Government Code, to amend Section 18123 of, and to repeal and add Section 18122 of, the Penal Code, to amend Sections 1471, 1821, 1823, 1826, 1828, 1894, 1895, 2250.6, 2253, 2356.5, and 15800 of the Probate Code, and to amend Section 224.2 of the Welfare and Institutions Code, relating to state government.

[ Approved by Governor September 18, 2022. Filed with Secretary of State September 18, 2022. ]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 2960, Committee on Judiciary. Judiciary omnibus.

(1) Existing law, the California Self-Service Storage Facility Act, specifies remedies and procedures for self-service storage facility owners when occupants are delinquent in paying rent or other charges. Under existing law, if rent or other charges due from an occupant remain unpaid for 14 consecutive days, an owner may terminate the right of the occupant to the use of the storage space at a self-service storage facility by sending a preliminary lien notice by certified mail to the occupant's last known address, defined to mean the address provided by the occupant, as specified. Existing law attaches the lien if the charges remain unpaid by a specified time and allows the owner to take specified actions. At that time, existing law requires the owner to send documentation related to the lien sale to the occupant's last known address, as defined.

Existing law, until January 1, 2023, authorizes the notice and documentation to be sent by electronic mail subject to specified conditions and allows the owner to demonstrate actual delivery and receipt of documents by, among other methods, the occupant acknowledging receipt of the electronic transmission of the notice by executing an electronic signature or by transmitting the notice to the occupant through an application on a personal electronic device.

This bill would remove the January 1, 2023, repeal date and would thereby extend indefinitely the authority to send the notice and documentation by electronic mail and the associated method of demonstrating actual delivery. The bill would make conforming changes.

Existing law, until January 1, 2023, deems the lien to attach if the notice has been sent and the total sum due has not been paid by the termination date specified in the notice. Beginning January 1, 2023, existing law would deem the lien to attach if the notice has been sent and the total sum due has not been paid within 14 days of the specified termination date.

This bill, by removing the January 1, 2023 repeal date, would continue indefinitely the provisions that deem the lien to attach if the total sum due has not been paid by the specified termination date.

(2) Existing law specifies various disclosure requirements applicable to certain transfers of real property. Existing law provides that if information disclosed in accordance with these requirements is subsequently rendered inaccurate as a result of any act, occurrence, or agreement subsequent to the delivery of the required disclosures, any inaccuracy resulting therefrom does not constitute a violation of these requirements.

This bill would provide that the disclosure requirements in effect on the date that all of the parties enter into a contract or agreement subject to those requirements are the requirements that apply to that contract or agreement. The bill would also provide that any amendment to those disclosure requirements that becomes effective after the date that the parties enter into a contract or agreement would not alter the disclosure requirements that apply to that contract or agreement.

(3) Existing law defines and regulates data brokers, requiring them to register with the Attorney General pursuant to specified requirements. Existing law prescribes definitions for this purpose, including references to terms defined in the California Consumer Privacy Act of 2018 (CCPA). The California Privacy Rights Act of 2020, approved by the voters as Proposition 24 at the November 3, 2020, statewide general election, amended, added to, and reenacted the CCPA.

This bill would make changes to the definitions relating to data brokers to conform with the changes made by the California Privacy Rights Act of 2020.

(4) Existing law requires a subpoena requiring the attendance of a witness, and a subpoena duces tecum for the production of books, records, documents and other evidence, at an arbitration proceeding or for certain depositions to be issued in a specified manner.

This bill would make technical, nonsubstantive changes to that provision.

(5) Existing law provides that an intangible interest in a business association, as evidenced by the stock or membership records of the association, escheats to the state if, for a period of more than three years, the owner has neither claimed a dividend or other designated sum nor corresponded in writing with the association or otherwise indicated an interest, as specified, and the association does not know the location of the owner at the end of the 3-year period. Existing law requires a person holding funds or other property that escheated to the state to submit a report to the Controller with information about the escheated property.

This bill would exempt the interest that escheats from required reporting unless and until the per share value is equal to or greater than \$0.01 or the aggregate value of the security held exceeds \$1,000.00, as specified.

(6) Existing law, the Unclaimed Property Law, governs the disposition of unclaimed property, including the escheat of certain property to the state. Existing law requires a person holding funds or other property escheated to the state to report to the Controller certain information regarding the property and the owner. Existing law requires all escheated property delivered to the Controller to be sold by the Controller to the highest bidder at public sale, as specified. Existing law requires securities listed on an established stock exchange be sold at the prevailing prices on that exchange. Existing law authorizes the Controller to sell other securities over the counter at prevailing prices, as specified. Existing law requires the Controller to sell securities no sooner than 18 months, but not later than 20 months, after the final date a person holding funds or other property escheated to the state is required to report to the Controller, as specified.

This bill would instead require the Controller to sell securities no sooner than 18 months, but not later than 20 months, after the actual date of filing of the required report, as specified.

(7) Existing federal law recognizes the sovereignty of federally recognized Indian tribes and provides for financial, developmental, and operational support of tribal justice systems. Under existing law, one or both of the parties to a tribal court proceeding may file an application for recognition of a tribal court order that establishes a right to child support, spousal support payments, or marital property rights to a spouse, former spouse, child, or other dependent of a participant in a retirement plan or other plan of deferred compensation, that assigns all or a portion of the benefits payable with respect to the plan participant to an alternate payee. Existing law prescribes a filing fee of \$100 for a joint application.

This bill would provide that the filing fee applies in cases in which the parties agree to file a joint application as well as in cases in which one of the parties does not agree to join in the application, as specified.

(8) Existing law obligates a parent to support their child. Existing law authorizes a local child support agency, when an order of child support is assigned to the county or the local child support agency is providing child support enforcement services, to issue a notice directing the child support payments to be made to the local child support agency, another county office, or the State Disbursement Unit. Existing law requires the local child support agency to serve this notice on the support obligor and obligee and to file the notice in the action in which the child support order was issued.

This bill would instead require a local child support agency to issue that notice directing that the child support payments be made to the local child support agency, another county office, or the State Disbursement Unit. This bill would also require the local child

support agency to provide notice to the obligor, obligee, and the court when it is no longer providing services in accordance with the Social Security Act. This bill would clarify that the local child support agency is required to comply with the Code of Civil Procedure when serving notice.

Existing law also authorizes the Department of Child Support Services or the local child support agency, upon request from the support enforcement agency of another state where a custodial party has either assigned the right to receive support or has requested support enforcement services, to issue a notice to change a payee on an issued support order. Existing law requires the notice of the administrative change of payee to be filed with the court in which the order was issued or last registered.

This bill would require the department or the local child support agency to issue a notice to change a payee on an issued support order.

Because the bill would require local agencies to perform additional duties, it would impose a state-mandated local program.

(9) Existing law permits a petitioner to seek a restraining order to protect against domestic violence or gun violence. Existing law requires, by July 1, 2023, a court or court facility that receives petitions for domestic violence restraining orders or gun violence restraining orders to permit those petitions to be filed electronically. Existing law also permits parties and witnesses to appear remotely at a hearing on a petition for a gun violence restraining order or domestic violence restraining order. Existing law requires the superior court of each county to provide telephone numbers for the public to call to obtain information regarding electronic filing and remote appearances, respectively. Existing law requires the superior court of each county to develop, and to post on its internet website, local rules and instructions for electronic filing and remote appearances, respectively.

This bill, commencing July 1, 2023, would revise those provisions to instead require a court or court facility that receives petitions for domestic violence or gun violence restraining orders to permit the petitions and related filings to be submitted electronically and acted upon in accordance with specified procedures. The bill would require the request, notice of the court date, copies of the request to serve on the respondent, and the temporary restraining order, if granted, to be provided to the petitioner electronically, unless the petitioner notes that the documents will be picked up from the court or court facility, as specified. The bill would require information regarding electronic filing and access to the court's self-help center to be displayed on the court's homepage, as specified. The bill would retain the requirement for courts to develop and post local rules and instructions only with respect to remote appearances, and would authorize the Judicial Council to adopt or amend rules and forms to implement these electronic filing provisions.

(10) Existing law, the Uniform Parentage Act, governs actions to determine a parent and child relationship, including when the pregnant person conceives through assisted reproduction. Existing law authorizes a local child support agency to secure child support and to establish paternity, among other duties. Existing law also provides that a hearing or trial under the act filed on or before January 1, 2023, may be held in closed court, and all papers and records, other than the final judgment, pertaining to the action or proceeding are subject to inspection only in exceptional cases upon an order of the court for good cause shown. If a hearing or trial is held in closed court under the act, existing law requires the papers and records pertaining to that proceeding to be part of the permanent record of the court and subject to inspection by the parties to the action and their attorneys, pursuant to written authorization, and by a local child support agency, as specified. Existing law further authorizes an action to establish a parent-child relationship for a child conceived pursuant to an assisted reproduction agreement for gestational carriers to be filed before the child's birth in a specified county, including where the child is anticipated to be born or the county where the intended parent or parents reside.

This bill would clarify that the provisions regarding a closed court action and the access to records under the act apply only to those actions filed before January 1, 2023. The bill would further provide that those closed court action and limited access to records provisions continue to apply to a child conceived through assisted reproduction or a child conceived pursuant to an assisted reproduction agreement for gestational carriers, regardless of when the action was filed. The bill would require the Judicial Council to create a new form or modify an existing form, as it deems appropriate, to require a party regarding a child conceived by assisted reproduction or assisted reproduction for gestational carriers to designate the action or proceeding as being an assisted reproduction filing, as specified. The bill would continue to authorize the parties and their attorneys, and a local child support agency, to access the permanent record of the court regarding assisted reproduction actions, as specified.

(11) Existing law, the California Fair Employment and Housing Act (FEHA), establishes the Civil Rights Department within the Business, Consumer Services, and Housing Agency under the direction of the Director of Civil Rights and sets forth its powers and duties relating to the enforcement of civil rights laws with respect to housing and employment, including, among others, the authority to provide assistance to communities and persons in resolving disputes, disagreements, or difficulties relating to discriminatory practices based on specified characteristics that impair the rights of persons in those communities under the Constitution or laws of the United States or of this state.

Existing law limits the availability of those services to circumstances in which peaceful relations among the citizens of the community involved are threatened.

This bill would, instead, limit the availability of those services to circumstances in which peaceful relations among the persons of the community involved are threatened.

Existing law establishes the Civil Rights Council within the Civil Rights Department and gives the council certain functions, powers, and duties, including, among others, to create or provide technical assistance to advisory agencies and conciliation councils to aid in effectuating the purposes of the FEHA, to empower them to study the problems of discrimination, to foster good will, cooperation, and conciliation among the groups and elements of the population of the state, and to make recommendations to the Civil Rights Council for the development of certain policies and procedures, as specified.

Existing law requires these advisory agencies and conciliation councils to be composed of representative citizens.

This bill would, instead, require those agencies and councils to be composed of representative persons.

The bill would make clarifying changes relating to the functions, powers, and duties of the council.

(12) Existing law, the FEHA, makes certain discriminatory employment practices unlawful, and authorizes a person claiming to be aggrieved by an alleged unlawful practice to file a verified complaint with the Civil Rights Department. The FEHA requires the department to make an investigation in connection with a filed complaint alleging facts sufficient to constitute a violation of the FEHA, and requires the department to endeavor to eliminate the unlawful practice by conference, conciliation, and persuasion. If conference, conciliation, mediation, or persuasion fails and the department has required all parties to participate in a mandatory dispute resolution, as specified, the FEHA authorizes the director to bring a civil action in the name of the department on behalf of the person claiming to be aggrieved within a specified amount of time. Existing law establishes deadlines for bringing such a civil action, depending on the type of complaint. These deadlines are tolled during a mandatory or voluntary dispute resolution proceeding commencing on the date the department refers the case to its dispute resolution division and ending on the date the department's dispute resolution division closes its mediation record and returns the case to the division that referred it.

The FEHA requires the department, if such a civil action is not brought by the department within 150 days after the filing of a complaint, or if the department earlier determines that no civil action will be brought, to promptly notify, in writing, the person claiming to be aggrieved that the department shall issue, on request, the right-to-sue notice, or, if not requested, upon completion of its investigation, and not later than one year after the filing of the complaint. In the case of group or class complaints, the FEHA requires the department to issue a right-to-sue notice upon completion of its investigation, and not later than 2 years after the filing of the complaint.

This bill would toll these right-to-sue notice deadlines during a mandatory or voluntary dispute resolution proceeding commencing on the date the department refers the case to its dispute resolution division and ending on the date the department's dispute resolution division closes its mediation record and returns the case to the division that referred it.

(13) Existing law, the FEHA, prohibits discrimination in housing based on race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, marital status, national origin, ancestry, familial status, source of income, disability, veteran or military status, or genetic information, and provides that discrimination in housing through a restrictive covenant includes the existence of a restrictive covenant, regardless of whether accompanied by a statement that the covenant is repealed or void. Existing law also provides that a provision in any deed of real property in California that purports to restrict the right of any person to sell, lease, rent, use, or occupy the property to persons having the characteristics specified above by providing for payment of a penalty, forfeiture, reverter, or otherwise, is void, except as specified.

Existing law authorizes a person who holds an ownership interest of record in property that they believe is the subject of an unlawfully restrictive covenant, as specified, to record a Restrictive Covenant Modification, which is required to include a copy of the original document with the illegal language stricken.

Existing law, subject to authorization from the county's board of supervisors, authorizes a county recorder to impose a fee of \$2 to be paid at the time of the recording of every real estate instrument, paper, or notice required or permitted by law to be recorded for the purpose of funding the restrictive covenant programs, except as specified.

This bill would correct erroneous cross-references in these provisions and make other nonsubstantive changes.

(14) Existing law requires the California Commission on Disability Access to report to the Legislature its ongoing efforts, to implement specified law, annually, on or before January 31. Existing law also requires the commission to make an annual report to the Legislature of tabulated data relating to the various types of construction-related physical access violations alleged in demand letters and complaints by January 31 of each year.

This bill would instead require these reports to be made annually by March 31.

(15) Existing law, the Guardianship-Conservatorship Law, generally establishes the standards and procedures for the appointment and termination of an appointment for a guardian or conservator of a person, an estate, or both. Existing law

requires the court to appoint the public defender or private counsel to represent interests of a conservatee, proposed conservatee, or person alleged to lack legal capacity who is unable to retain legal counsel and requests the appointment of legal counsel. Existing law gives the proposed conservatee the right to choose and be represented by legal counsel and the right to have the court appoint legal counsel if the person is unable to retain legal counsel.

This bill would require the court to appoint legal counsel if the conservatee, proposed conservatee, or person alleged to lack legal capacity is not represented by legal counsel and does not plan to retain legal counsel. The bill would give the proposed conservatee the right to have the court appoint legal counsel if the person is not otherwise represented by legal counsel.

(16) Existing law specifies the information required on the form petitioning for the appointment of a conservator, including the location of the proposed conservatee's residence and alternatives to conservatorship considered by the petitioner or proposed conservator and reasons why those alternatives are not available.

This bill would require the petition to include the location and nature of the proposed conservatee's residence and why the considered alternatives to conservatorship were not suitable.

(17) Existing law establishes procedures for the creation, modification, and termination of a trust, and regulates the administration of trusts by trustees on behalf of beneficiaries. Existing law generally authorizes the revocation of a trust when the person holding the power to revoke the trust is competent. Existing law provides that if no person holding the power to revoke the trust is competent during the time that a trust is revocable, the trustee is required to provide specified notice to each beneficiary within 60 days of obtaining information establishing the incompetency of the last person with the power to revoke the trust. Existing law authorizes the trustee to rely on specified methods to establish incompetency.

This bill would clarify that the trustee is required to provide the above-described notice within 60 days of receiving information establishing the incompetency of the last person with the power to revoke the trust, and would provide that incompetency may be established by specified methods.

(18) Existing law authorizes the juvenile court to adjudge a child to be a dependent child of the court or a minor to be a ward of the court under specified circumstances, including, among others, there is a substantial risk that the child will suffer serious physical harm inflicted nonaccidentally. Existing law requires the juvenile court in these proceedings to inquire whether a child is or may be an Indian child, and, if so, the federal Indian Child Welfare Act of 1978 requires, among other things, the notification of the proceedings to the Indian child's tribe. Existing law requires the Judicial Council to adopt rules of court to allow for telephonic or other remote appearance options by an Indian child's tribe in these proceedings. Existing law prohibits telephonic or other computerized remote access for court appearances from being subject to fees.

This bill would make a clarifying change regarding the prohibition on fees being charged for telephonic or other computerized remote access for court appearances.

(19) This bill would incorporate additional changes to Section 12931 of the Government Code proposed by SB 523 to be operative only if this bill and SB 523 are enacted and this bill is enacted last.

(20) This bill would incorporate additional changes to Section 1821 of the Probate Code proposed by AB 1663 to be operative only if this bill and AB 1663 are enacted and this bill is enacted last.

(21) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

---

## THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

**SECTION 1.** Section 21701 of the Business and Professions Code, as amended by Section 2 of Chapter 36 of the Statutes of 2020, is amended to read:

**21701.** For the purposes of this chapter, the following terms shall have the following meanings:

(a) "Self-service storage facility" means real property designed and used for the purpose of renting or leasing individual storage space to occupants who are to have access to the space for the purpose of storing and removing personal property or for storing individual storage containers provided to occupants who have exclusive use of the container for the purpose of storing and removing personal property, whether or not the individual storage containers are transported pursuant to Section 21701.1. Self-service storage facility does not include a garage or other storage area in a private residence. No occupant may use a self-

service storage facility for residential purposes. A self-service storage facility is not a warehouse, nor a public utility, as defined in Section 216 of the Public Utilities Code. If an owner issues a warehouse receipt, bill of lading, or other document of title for the personal property stored, the owner and the occupant are subject to the provisions of Division 7 (commencing with Section 7101) of the Commercial Code, and the provisions of this chapter do not apply.

(b) "Owner" means the owner, operator, lessor, or sublessor of a self-service storage facility, their agent, or any other person authorized by them to manage the facility, or to receive rent from an occupant under a rental agreement, and no real estate license is required.

(c) "Occupant" means a person, or their sublessee, successor, or assign, who is entitled to the use of the storage space at a self-service storage facility under a rental agreement, to the exclusion of others.

(d) "Rental agreement" means any written agreement or lease that establishes or modifies the terms, conditions, rules, or any other provision concerning the use and occupancy of a self-service storage facility.

(e) "Personal property" means movable property not affixed to land, and includes, but is not limited to, goods, merchandise, furniture, and household items.

(f) "Last known address" means that mailing address or email address provided by the occupant in the latest rental agreement, or the mailing address or email address provided by the occupant in a subsequent written notice of a change of address.

**SEC. 2.** Section 21701 of the Business and Professions Code, as amended by Section 3 of Chapter 36 of the Statutes of 2020, is repealed.

**SEC. 3.** Section 21703 of the Business and Professions Code, as amended by Section 4 of Chapter 36 of the Statutes of 2020, is amended to read:

**21703.** If any part of the rent or other charges due from an occupant remain unpaid for 14 consecutive days, an owner may terminate the right of the occupant to the use of the storage space at a self-service storage facility by sending a notice to the occupant's last known address and to the alternative address specified in subdivision (b) of Section 21712. The notice shall be sent by certified mail, postage prepaid, by regular first-class mail if the owner obtains a certificate of mailing indicating the date the notice was mailed, or by email pursuant to subdivision (c) of Section 21712. The notice shall contain all of the following:

(a) An itemized statement of the owner's claim showing the sums due at the time of the notice and the date when the sums became due.

(b) A statement that the occupant's right to use the storage space will terminate on a specified date (not less than 14 days after the mailing of the notice) unless all sums due are paid by the occupant before the specified date.

(c) A notice that the occupant may be denied access to the storage space after the termination date if the sums are not paid and that an owner's lien, as provided for in Section 21702, may be imposed thereafter.

(d) The name, street address, and telephone number of the owner or their designated agent whom the occupant may contact to respond to the notice.

**SEC. 4.** Section 21703 of the Business and Professions Code, as amended by Section 5 of Chapter 36 of the Statutes of 2020, is repealed.

**SEC. 5.** Section 21705 of the Business and Professions Code, as amended by Section 6 of Chapter 36 of the Statutes of 2020, is amended to read:

**21705.** (a) If the notice has been sent as required by Section 21703 and the total sum due has not been paid by the termination date specified in the preliminary lien notice, the lien imposed by this chapter attaches as of that date and the owner may do all of the following:

(1) Deny an occupant access to the space.

(2) Enter the space.

(3) Remove any property found therein to a place of safekeeping.

(b) Upon taking the actions described in subdivision (a), the owner shall send to the occupant, by certified mail, or by first-class mail if the owner obtains a certificate of mailing, postage prepaid, addressed to the occupant's last known address, and to the alternative address specified in subdivision (b) of Section 21712, or by email pursuant to subdivision (c) of Section 21712, both of the following:

(1) A notice of lien sale that states all of the following:

(A) That the occupant's right to use the storage space has terminated and that the occupant no longer has access to the stored property.

(B) That the stored property is subject to a lien, the current amount of the lien, and that the lien will continue to increase if rent is not paid.

(C) That the property will be sold to satisfy the lien after a specified date that is not less than 14 days from the date of mailing the notice, unless the occupant executes and returns by certified mail a declaration in opposition to lien sale in the form set forth in paragraph (2).

(D) A statement that the occupant may regain full use of the space by paying the full lien amount before the date specified in subparagraph (C).

(E) That any excess proceeds of the sale over the lien amount and costs of sale will be retained by the owner and may be reclaimed by the occupant or claimed by another person at any time for a period of one year from the sale and that thereafter the proceeds will escheat to the county in which the sale is to take place.

(2) A blank declaration in opposition to lien sale that shall be in substantially the following form:

"DECLARATION IN OPPOSITION  
TO LIEN SALE

You must complete all sections of this declaration. If the owner cannot contact or serve you at the physical address and telephone number that you provide below, this declaration shall be void and the owner may sell your stored property.

I, \_\_\_\_\_ (occupant's name) \_\_\_\_\_ ,  
have received the notice of lien  
sale

of the property stored at \_\_\_\_\_  
(location and space #) \_\_\_\_\_ .

I oppose the lien sale of the property, because (provide a brief explanation of the reason the owner's lien may not be valid. For example, "I have paid my rent and other charges in full."):

My current address and telephone  
number are:

(physical address)

(city)

(state)

(ZIP Code)

(telephone number)

I understand that the lienholder may file an action against me in any court of competent jurisdiction, including small claims court, at the address provided above, and if a judgment is given in the lienholder's favor, I may be liable

for the court costs. I also understand that this declaration is not valid if (a) the address provided in this declaration is not my current address or (b) I change my address at any time prior to service of an action on the lien and I do not provide the owner the address within 10 days of the change.

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was signed by me on \_\_\_\_\_ (date) \_\_\_\_\_ at \_\_\_\_\_ (place) \_\_\_\_\_.

(signature of occupant)

Return this declaration to:

(self-service storage facility address)"

**SEC. 6.** Section 21705 of the Business and Professions Code, as amended by Section 7 of Chapter 36 of the Statutes of 2020, is repealed.

**SEC. 7.** Section 21712 of the Business and Professions Code, as amended by Section 8 of Chapter 36 of the Statutes of 2020, is amended to read:

**21712.** (a) Each contract for the rental or lease of individual storage space in a self-service storage facility shall be in writing and shall contain, in addition to the provisions otherwise required or permitted by law to be included, a statement that the occupant's property will be subject to a claim of lien and may even be sold to satisfy the lien if the rent or other charges due remain unpaid for 14 consecutive days and that those actions are authorized by this chapter.

(b) The provisions of this chapter shall not apply, and the lien authorized by this chapter shall not attach, unless the rental agreement requests, and provides space for, the occupant to give the name and mailing or email address of another person to whom the preliminary lien notice and subsequent notices required to be given under this chapter may be sent. Notices sent pursuant to Section 21703 or 21705 shall be sent to the occupant's address and the alternative address, if both addresses are provided by the occupant. Failure of an occupant to provide an alternative address shall not affect an owner's remedies under this chapter or under any other law.

(c) (1) The owner may send the notices required by Sections 21703 and 21705 to the occupant and to the alternative address specified in subdivision (b) by electronic mail only if both of the following conditions are met:

(A) The rental agreement states that lien notices may be sent to the occupant and to the alternate by electronic mail.

(B) The occupant provides a written signature on the rental agreement consenting to receive lien notices by electronic mail.

(2) An owner may demonstrate actual delivery and receipt by any of the following:

(A) The occupant acknowledges receipt of the electronic transmission of the document by executing an electronic signature, which is defined as an electronic sound, symbol, or process attached to, or logically associated with, an electronic record and executed or adopted by a person with the intent to sign the electronic record.

(B) The document is posted on the owner's secure internet website, and there is evidence demonstrating that the occupant logged onto the licensee's secure internet website and downloaded, printed, viewed, or otherwise acknowledged receipt of the document.

(C) The document is transmitted to the occupant through an application on an internet website that is secured by password, biometric identifier, or other technology, and there is evidence demonstrating that the occupant logged into the application and viewed or otherwise acknowledged receipt of the document.

(D) The occupant acknowledges receipt of the electronic transmission of the document by replying to the electronic mail communication, and there is delivery path evidence that the reply email was sent from the occupant's email address.

(E) If the owner is unable to demonstrate actual delivery and receipt pursuant to this paragraph, the owner shall resend the notice by mail to the occupant's last known mailing address in the manner originally specified by the underlying provisions of Section 21703 or 21705.



**SEC. 8.** Section 21712 of the Business and Professions Code, as added by Section 10 of Chapter 36 of the Statutes of 2020, is repealed.

**SEC. 9.** Section 1102.5 of the Civil Code is amended to read:

**1102.5.** (a) If information disclosed in accordance with this article is subsequently rendered inaccurate as a result of any act, occurrence, or agreement subsequent to the delivery of the required disclosures, any inaccuracy resulting therefrom does not constitute a violation of this article. If at the time the disclosures are required to be made, an item of information required to be disclosed is unknown or not available to the seller, and the seller or the seller's agent has made a reasonable effort to ascertain it, the seller may use an approximation of the information, provided the approximation is clearly identified as such, is reasonable, is based on the best information reasonably available to the seller or the seller's agent, and is not used for the purpose of circumventing or evading this article.

(b) The requirements of this article in effect on the date that all of the parties enter into a contract or agreement subject to this article are the requirements that shall apply to that contract or agreement. An amendment to this article that becomes effective after that date does not alter the requirements under this article that shall apply to that contract or agreement, unless the applicable statute provides otherwise.

**SEC. 10.** Section 1798.99.80 of the Civil Code is amended to read:

**1798.99.80.** For purposes of this title:

(a) "Business" has the meaning provided in subdivision (d) of Section 1798.140.

(b) "Collects" and "collection" have the meaning provided in subdivision (f) of Section 1798.140.

(c) "Consumer" has the meaning provided in subdivision (i) of Section 1798.140.

(d) "Data broker" means a business that knowingly collects and sells to third parties the personal information of a consumer with whom the business does not have a direct relationship. "Data broker" does not include any of the following:

(1) A consumer reporting agency to the extent that it is covered by the federal Fair Credit Reporting Act (15 U.S.C. Sec. 1681 et seq.).

(2) A financial institution to the extent that it is covered by the Gramm-Leach-Bliley Act (Public Law 106-102) and implementing regulations.

(3) An entity to the extent that it is covered by the Insurance Information and Privacy Protection Act (Article 6.6 (commencing with Section 791) of Chapter 1 of Part 2 of Division 1 of the Insurance Code).

(e) "Personal information" has the meaning provided in subdivision (v) of Section 1798.140.

(f) "Sell" has the meaning provided in subdivision (ad) of Section 1798.140.

(g) "Third party" has the meaning provided in subdivision (ai) of Section 1798.140.

**SEC. 11.** Section 1282.6 of the Code of Civil Procedure is amended to read:

**1282.6.** (a) A subpoena requiring the attendance of witnesses, and a subpoena duces tecum for the production of books, records, documents and other evidence, at an arbitration proceeding or a deposition under Section 1283, and if Section 1283.05 is applicable, for the purposes of discovery, shall be issued as provided in this section. In addition, the neutral arbitrator upon their own determination may issue subpoenas for the attendance of witnesses and subpoenas duces tecum for the production of books, records, documents, and other evidence.

(b) Subpoenas shall be issued, as of course, signed but otherwise in blank, to the party requesting them, by a neutral association, organization, governmental agency, or office if the arbitration agreement provides for administration of the arbitration proceedings by, or under the rules of, a neutral association, organization, governmental agency or office, or by the neutral arbitrator.

(c) The party serving the subpoena shall fill it in before service. Subpoenas shall be served and enforced in accordance with Chapter 2 (commencing with Section 1985) of Title 3 of Part 4 of this code.

**SEC. 12.** Section 1516 of the Code of Civil Procedure is amended to read:

**1516.** (a) Subject to Section 1510, any dividend, profit, distribution, interest, payment on principal, or other sum held or owing by a business association for or to its shareholder, certificate holder, member, bondholder, or other security holder, or a participating patron of a cooperative, who has not claimed it, or corresponded in writing with the business association concerning it, within three years after the date prescribed for payment or delivery, escheats to this state.

(b) Subject to Section 1510, any intangible interest in a business association, as evidenced by the stock records or membership records of the association, escheats to this state if (1) the interest in the association is owned by a person who for more than three years has neither claimed a dividend or other sum referred to in subdivision (a) nor corresponded in writing with the association or otherwise indicated an interest as evidenced by a memorandum or other record on file with the association, and (2) the association does not know the location of the owner at the end of the three-year period. With respect to the interest, the business association shall be deemed the holder.

(c) Subject to Section 1510, any dividends or other distributions held for or owing to a person at the time the stock or other security to which they attach escheats to this state also escheat to this state as of the same time.

(d) If the business association has in its records an address for the apparent owner, which the business association's records do not disclose to be inaccurate, with respect to any interest that may escheat pursuant to subdivision (b), the business association shall make reasonable efforts to notify the owner by mail or, if the owner has consented to electronic notice, electronically, that the owner's interest in the business association will escheat to the state. The notice shall be given not less than 6 nor more than 12 months before the time the interest in the business association becomes reportable to the Controller in accordance with this chapter. The face of the notice shall contain a heading at the top that reads as follows: "THE STATE OF CALIFORNIA REQUIRES US TO NOTIFY YOU THAT YOUR UNCLAIMED PROPERTY MAY BE TRANSFERRED TO THE STATE IF YOU DO NOT CONTACT US," or substantially similar language. The notice required by this subdivision shall specify the time that the interest will escheat and the effects of escheat, including the necessity for filing a claim for the return of the interest. The notice required by this section shall, in boldface type or in a font a minimum of two points larger than the rest of the notice, exclusive of the heading, (1) specify that since the date of last activity, or for the last two years, there has been no owner activity on the deposit, account, shares, or other interest; (2) identify the deposit, account, shares, or other interest by number or identifier, which need not exceed four digits; (3) indicate that the deposit, account, shares, or other interest is in danger of escheating to the state; and (4) specify that the Unclaimed Property Law requires business associations to transfer funds of a deposit, account, shares, or other interest if it has been inactive for three years. It shall also include a form, as prescribed by the Controller, by which the owner may confirm the owner's current address. If that form is filled out, signed by the owner, and returned to the holder, it shall be deemed that the business association knows the location of the owner. In lieu of returning the form, the business association may provide a telephone number or other electronic means to enable the owner to contact the association. With that contact, as evidenced by a memorandum or other record on file with the business association, the business association shall be deemed to know the location of the owner. The business association may impose a service charge on the deposit, account, shares, or other interest for this notice and form in an amount not to exceed the administrative cost of mailing or electronically sending the notice and form, and in no case to exceed two dollars (\$2).

(e) In addition to the notice required pursuant to subdivision (d), the holder may give additional notice as described in subdivision (d) at any time between the date of last activity by, or communication with, the owner and the date the holder transfers the deposit, shares, or other interest to the Controller.

(f) The interest that escheats pursuant to subdivision (b) shall not be reportable pursuant to Section 1530 unless and until the per share value, as set forth in Section 1172.80 of Title 2 of the California Code of Regulations, is equal to or greater than one cent (\$0.01) or the aggregate value of the security held exceeds one thousand dollars (\$1,000).

**SEC. 13.** Section 1563 of the Code of Civil Procedure is amended to read:

**1563.** (a) Except as provided in subdivisions (b) and (c), all escheated property delivered to the Controller under this chapter shall be sold by the Controller to the highest bidder at public sale in whatever city in the state affords in the Controller's judgment the most favorable market for the property involved, or the Controller may conduct the sale by electronic media, including, but not limited to, the internet, if in the Controller's judgment it is cost effective to conduct the sale of the property involved in that manner. However, no sale shall be made pursuant to this subdivision until 18 months after the final date for filing the report required by Section 1530. The Controller may decline the highest bid and reoffer the property for sale if the Controller considers the price bid insufficient. The Controller need not offer any property for sale if, in the Controller's opinion, the probable cost of sale exceeds the value of the property. Any sale of escheated property held under this section shall be preceded by a single publication of notice thereof, at least one week in advance of sale, in an English language newspaper of general circulation in the county where the property is to be sold.

(b) Securities listed on an established stock exchange shall be sold at the prevailing prices on that exchange. Other securities may be sold over the counter at prevailing prices or by any other method that the Controller may determine to be advisable. These securities shall be sold by the Controller no sooner than 18 months, but no later than 20 months, after the actual date of

filing of the report required by Section 1530. If securities delivered to the Controller by a holder of the securities remain in the custody of the Controller, a person making a valid claim for those securities under this chapter shall be entitled to receive the securities from the Controller. If the securities have been sold, the person shall be entitled to receive the net proceeds received by the Controller from the sale of the securities. United States government savings bonds and United States war bonds shall be presented to the United States for payment. Subdivision (a) does not apply to the property described in this subdivision.

(c) (1) All escheated property consisting of military awards, decorations, equipment, artifacts, memorabilia, documents, photographs, films, literature, and any other item relating to the military history of California and Californians that is delivered to the Controller is exempt from subdivision (a) and may, at the discretion of the Controller, be held in trust for the Controller at the California State Military Museum and Resource Center, or successor entity. All escheated property held in trust pursuant to this subdivision is subject to the applicable regulations of the United States Army governing Army museum activities as described in Section 179 of the Military and Veterans Code. A person claiming an interest in the escheated property may file a claim to the property pursuant to Article 4 (commencing with Section 1540).

(2) The California State Military Museum and Resource Center, or successor entity, shall be responsible for the costs of storage and maintenance of escheated property delivered by the Controller under this subdivision.

(d) The purchaser at any sale conducted by the Controller pursuant to this chapter shall receive title to the property purchased, free from all claims of the owner or prior holder thereof and of all persons claiming through or under them. The Controller shall execute all documents necessary to complete the transfer of title.

**SEC. 14.** Section 1733.1 of the Code of Civil Procedure is amended to read:

**1733.1.** (a) (1) If the parties to the underlying tribal court proceeding agree, the parties may file a joint application for the recognition of a tribal court order that establishes a right to child support, spousal support payments, or marital property rights to such spouse, former spouse, child, or other dependent of a participant in a retirement plan or other plan of deferred compensation, which order assigns all or a portion of the benefits payable with respect to the participant to an alternate payee.

(2) If one of the parties to a tribal court order described in paragraph (1) does not agree to join in the application, the other party may proceed by having the tribal court execute a certificate in lieu of the signature of the other party. The Judicial Council shall adopt a format for the certificate.

(3) The application shall be on a form adopted by the Judicial Council, executed under penalty of perjury by parties to the proceeding submitting the application.

(4) The application shall include the name, current address, telephone number, and email address of each party, the name and mailing address of the issuing tribal court, and a certified copy of the order to be recognized.

(b) The filing fee for an application filed under this section is one hundred dollars (\$100).

(c) An application filed pursuant to this section may be filed in the county in which either one of the parties resides.

(d) Entry of the tribal court order under this section does not confer any jurisdiction on a court of this state to modify or enforce the tribal court order.

**SEC. 15.** Section 4204 of the Family Code is amended to read:

**4204.** Notwithstanding any other law, in any proceeding where the court has made an order requiring the payment of child support and the child support is subsequently assigned to the county pursuant to Section 11477 of the Welfare and Institutions Code or the support obligor or obligee has requested a local child support agency to provide child support enforcement services pursuant to Section 17400, the local child support agency shall issue a notice directing that the payments shall be made to the local child support agency, another county office, or the State Disbursement Unit pursuant to Section 17309. Additionally, the local child support agency shall provide notice when it is no longer providing services under Part D of Title IV of the federal Social Security Act (42 U.S.C. Sec. 651 et seq.). The local child support agency shall serve the notice on both the support obligor and obligee in compliance with Section 1013 of the Code of Civil Procedure and file the notice with the court.

**SEC. 16.** Section 6307 of the Family Code is repealed.

**SEC. 17.** Section 6307 is added to the Family Code, to read:

**6307.** (a) (1) A court or court facility that receives petitions for domestic violence restraining orders under this part or domestic violence temporary restraining orders under Part 4 (commencing with Section 240) of Division 2 shall permit those petitions and

any filings related to those petitions to be submitted electronically. The court or court facility shall, based on the time of receipt, act on these filings consistent with Section 246.

(2) The request, notice of the court date, copies of the request to serve on the respondent, and the temporary restraining order, if granted, shall be provided to the petitioner electronically, unless the petitioner notes, at the time of electronic filing, that these documents will be picked up from the court or court facility.

(b) (1) Information regarding electronic filing and access to the court's self-help center shall be prominently displayed on each court's homepage.

(2) Each self-help center shall maintain and make available information related to domestic violence restraining orders pursuant to this section.

(c) The Judicial Council may adopt or amend rules and forms to implement this section.

(d) This section shall become operative on July 1, 2023.

**SEC. 18.** Section 6308 of the Family Code is amended to read:

**6308.** A party, support person as defined in Section 6303, or witness may appear remotely at the hearing on a petition for a domestic violence restraining order. The superior court of each county shall develop local rules and instructions for remote appearances permitted under this section, which shall be posted on its internet website.

**SEC. 19.** Section 7643 of the Family Code is amended to read:

**7643.** (a) Notwithstanding any other law concerning public hearings and records, a hearing or trial held under this part may be held in closed court without admittance of any person other than those necessary to the action or proceeding. Except as provided in subdivision (b), all papers and records, other than the final judgment, pertaining to the action or proceeding, whether part of the permanent record of the court or of a file in a public agency or elsewhere, are subject to inspection and copying only in exceptional cases upon an order of the court for good cause shown.

(b) (1) Papers and records pertaining to the action or proceeding that are part of the permanent record of the court are subject to inspection and copying by the parties to the action, their attorneys, and by agents acting pursuant to written authorization from the parties to the action or their attorneys. An attorney shall obtain the consent of the party to the action before authorizing an agent to inspect and copy the permanent record. An attorney shall also state on the written authorization that the attorney has obtained the consent of the party to authorize an agent to inspect and copy the permanent record.

(2) For purposes of establishing parentage and establishing and enforcing child support orders, papers and records pertaining to the action or proceeding that are part of the permanent record of the court are subject to inspection and copying by any local child support agency, as defined in subdivision (h) of Section 17000.

(c) This section applies only to actions filed before January 1, 2023.

**SEC. 20.** Section 7643.5 of the Family Code is amended to read:

**7643.5.** (a) Notwithstanding any other law concerning public hearings and records, a hearing or trial held under this part for an action filed on or after January 1, 2023, under Section 7613, subdivision (f) of Section 7630, or Part 7 (commencing with Section 7960), may be held in closed court without admittance of any person other than those necessary to the action or proceeding. Except as provided in subdivision (b), all papers and records, other than the final judgment, pertaining to the action or proceeding, whether part of the permanent record of the court or of a file in a public agency or elsewhere, are subject to inspection and copying only in exceptional cases upon an order of the court for good cause shown.

(b) (1) Papers and records pertaining to the action or proceeding that are part of the permanent record of the court are subject to inspection and copying by the parties to the action, their attorneys, and by agents acting pursuant to written authorization from the parties to the action or their attorneys. An attorney shall obtain the consent of the party to the action before authorizing an agent to inspect and copy the permanent record. An attorney shall also state on the written authorization that the attorney has obtained the consent of the party to authorize an agent to inspect and copy the permanent record.

(2) For purposes of establishing parentage and establishing and enforcing child support orders, papers and records pertaining to the action or proceeding that are part of the permanent record of the court are subject to inspection and copying by any local child support agency, as defined in subdivision (h) of Section 17000.

(c) On or before January 1, 2023, the Judicial Council shall create a new form or modify an existing form, as it deems appropriate, that requires a party initiating an action or proceeding filed under Section 7613, subdivision (f) of Section 7630, or Part 7

(commencing with Section 7960) to designate the action or proceeding as filed under the identified statutory provision.

(d) Notwithstanding Section 4, this section shall apply to all actions filed before January 1, 2023.

**SEC. 21.** Section 17404.4 of the Family Code is amended to read:

**17404.4.** In exercising the jurisdiction under Section 5700.319, either the department or the local child support agency shall issue a notice to change payee on a support order issued in this state, upon request from the support enforcement agency of another state where a custodial party has either assigned the right to receive support or has requested support enforcement services. Notice of the administrative change of payee shall be filed with the court in which the order was issued or last registered.

**SEC. 22.** Section 12931 of the Government Code is amended to read:

**12931.** The department may also provide assistance to communities and persons therein in resolving disputes, disagreements, or difficulties relating to discriminatory practices based on race, religious creed, color, national origin, ancestry, physical disability, mental disability, veteran or military status, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, familial status, age, or sexual orientation that impair the rights of persons in those communities under the Constitution or laws of the United States or of this state. The services of the department may be made available in cases of these disputes, disagreements, or difficulties only when, in its judgment, peaceful relations among the persons of the community involved are threatened thereby. The department's services are to be made available only upon the request of an appropriate state or local public body, or upon the request of any person directly affected by the dispute, disagreement, or difficulty.

The assistance of the department pursuant to this section shall be limited to endeavors at investigation, conference, conciliation, and persuasion.

**SEC. 22.5.** Section 12931 of the Government Code is amended to read:

**12931.** The department may also provide assistance to communities and persons therein in resolving disputes, disagreements, or difficulties relating to discriminatory practices based on race, religious creed, color, national origin, ancestry, physical disability, mental disability, veteran or military status, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, familial status, age, reproductive health decisionmaking, or sexual orientation that impair the rights of persons in those communities under the Constitution or laws of the United States or of this state. The services of the department may be made available in cases of these disputes, disagreements, or difficulties only when, in its judgment, peaceful relations among the persons of the community involved are threatened thereby. The department's services are to be made available only upon the request of an appropriate state or local public body, or upon the request of any person directly affected by the dispute, disagreement, or difficulty.

The assistance of the department pursuant to this section shall be limited to endeavors at investigation, conference, conciliation, and persuasion.

**SEC. 23.** Section 12935 of the Government Code is amended to read:

**12935.** The council shall have the following functions, powers, and duties:

(a) To adopt, promulgate, amend, and rescind suitable rules, regulations, and standards that do either of the following:

(1) Interpret, implement, and apply all provisions of this part, Article 9.5 (commencing with Section 11135) of Chapter 1 of Part 1 of Division 3 of Title 2 of this code, Sections 51, 51.5, 51.7, 54, 54.1, and 54.2 of the Civil Code, and Section 1197.5 of the Labor Code.

(A) As of January 1, 2017, Chapter 1 (commencing with Section 98000), Chapter 2 (commencing with Section 98100), and Chapter 3 (commencing with Section 98200) of Division 8 of Title 22 of the California Code of Regulations shall be transferred from the portion of the California Code of Regulations that is under the authority of the California Health and Human Services Agency to the portion of the California Code of Regulations that is under the authority of the department, and upon transfer shall be deemed adopted by the council.

(B) The council shall, within existing resources and pursuant to Chapter 3.5 (commencing with Section 11340), adopt additional regulations, as necessary, and amend or repeal, as necessary, regulations transferred to the department from the California Health and Human Services Agency relating to Article 9.5 (commencing with Section 11135) of Chapter 1 of Part 1.

(2) Carry out all other functions and duties of the council pursuant to this part.

(b) To meet at any place within the state and function in any office of the department.

(c) To create or provide technical assistance to any advisory agencies and conciliation councils, local or otherwise, as in its judgment will aid in effectuating the purposes of this part, and to empower them to study the problems of discrimination in all or specific fields of human relationships or in particular instances of employment discrimination on the bases enumerated in this part or in specific instances of housing discrimination on the bases enumerated in this part and to foster, through community effort or otherwise, good will, cooperation, and conciliation among the groups and elements of the population of the state and to make recommendations to the Civil Rights Council for the development of policies and procedures in general except for procedural rules and regulations that carry out the investigation, prosecution, and dispute resolution functions and duties of the department. These advisory agencies and conciliation councils shall be composed of representative persons, serving without pay.

(d) To hold hearings and issue publications, results of inquiries and research, and reports to the Governor and the Legislature that, in its judgment, will tend to aid in effectuating the purpose of this part, promote good will, cooperation, and conciliation, and minimize or eliminate unlawful discrimination, or advance civil rights in the State of California.

**SEC. 24.** Section 12956.2 of the Government Code is amended to read:

**12956.2.** (a) (1) A person who holds or is acquiring an ownership interest of record in property that the person believes is the subject of an unlawfully restrictive covenant in violation of subdivision (l) of Section 12955 may record a document titled Restrictive Covenant Modification. A title company, escrow company, county recorder, real estate broker, real estate agent, or other person also may record the modification document provided for in this section. The county recorder may waive the fee prescribed for recording and indexing instruments pursuant to Section 27361 in the case of a restrictive covenant modification document. The modification document shall include a complete copy of the original document containing the unlawfully restrictive language with the unlawfully restrictive covenant language redacted.

(2) Beginning July 1, 2022, if a title company, escrow company, real estate broker, or real estate agent has actual knowledge that a declaration, governing document, or deed that is being directly delivered to a person who holds or is acquiring an ownership interest in property includes a possible unlawfully restrictive covenant, they shall notify the person who holds or is acquiring the ownership interest in the property of the existence of that covenant and their ability to have it removed through the restrictive covenant modification process. There shall be no presumption that a party providing a document has read the document or has actual knowledge of its content.

(3) Beginning July 1, 2022, if requested before the close of escrow, the title company or escrow company directly involved in the pending transaction shall assist in the preparation of a Restrictive Covenant Modification pursuant to this section, but the title company or escrow company shall have no liability associated with the recordation of a Restrictive Covenant Modification that contains modifications not authorized by this section on behalf of the requester.

(b) (1) Before recording the Restrictive Covenant Modification document, the county recorder shall submit the modification document and the original document to the county counsel who shall determine whether the language in the original document contains an unlawful restriction based on age, race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, familial status, marital status, disability, genetic information, veteran or military status, national origin, source of income as defined in subdivision (p) of Section 12955, or ancestry. The county counsel shall return the documents and inform the county recorder of its determination within a period of time specified in paragraph (2). The county recorder shall refuse to record the modification document if the county counsel or their designee finds that the original document does not contain an unlawful restriction as specified in this subdivision or the modification document contains modifications not authorized by this section.

(2) For documents recorded pursuant to subdivision (a), the period of time shall be a reasonable period of time, not to exceed three months, from the date the request for recordation is made, unless extraordinary circumstances apply.

(c) If a person requests to record a modification document, that person shall provide a return address in order for the county recorder to notify this person of the action taken by the county counsel on the respective property. The notice required pursuant to this subdivision may be made on a postcard mailed by first-class mail.

(d) The modification document shall be indexed in the same manner as the original document being modified. It shall contain a recording reference to the original document in the form of a book and page or instrument number, and date of the recording.

(e) Subject to covenants, conditions, and restrictions that were recorded after the recording of the original document that contains the unlawfully restrictive language and subject to covenants, conditions, and restrictions that will be recorded after the Restrictive Covenant Modification, the restrictions in the Restrictive Covenant Modification, once recorded, are the only restrictions having effect on the property. The effective date of the terms and conditions of the modification document shall be the same as the effective date of the original document.

(f) A Restrictive Covenant Modification form shall be prepared and accepted for submission and recordation in all counties in substantially the following form:

RESTRICTIVE COVENANT MODIFICATION:

The following referenced document contains a restriction based on age, race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, familial status, marital status, disability, veteran or military status, genetic information, national origin, source of income as defined in subdivision (p) of Section 12955 of the Government Code, or ancestry, that violates state and federal fair housing laws and is void. Pursuant to Section 12956.2 of the Government Code, this document is being recorded solely for the purpose of redacting and eliminating that restrictive covenant as shown on page(s) \_\_\_\_ of the document recorded on \_\_\_\_\_ (date) in book \_\_\_\_\_ and page \_\_\_\_\_ or instrument number \_\_\_\_\_ of the official records of the County of \_\_\_\_\_, State of California.

Attached hereto is a true, correct and complete copy of the document referenced above, with the unlawful restrictive covenant redacted.

This modification document shall be indexed in the same manner as the original document being modified, pursuant to subdivision (d) of Section 12956.2 of the Government Code.

The effective date of the terms and conditions of the modification document shall be the same as the effective date of the original document.

(Signature of submitting party)

\_\_\_\_\_ County Counsel, or their designee, pursuant to paragraph (1) of subdivision (b) of Section 12956.2 of the Government Code, hereby states that it has determined that the original document referenced above contains an unlawful restriction and this modification may be recorded.

Or

\_\_\_\_\_ County Counsel, or their designee, pursuant to paragraph (1) of subdivision (b) of Section 12956.2 of the Government Code, finds that the original document does not contain an unlawful restriction, or the modification document contains modifications not authorized, and this modification may not be recorded.

County Counsel

By:

Date:

(g) The county recorder shall make available to the public Restrictive Covenant Modification forms onsite in an appropriately designated area, or online on the county recorder's internet website, either of which shall be deemed to satisfy the requirement of paragraphs (1) and (2) of subdivision (b) of Section 12956.1 to provide a Restrictive Covenant Modification form if the procedural information for appropriate processing is attached to the form. Those forms shall permit multiple submissions on behalf of different homes and for processing homes in batches with respect to a modification document that affects multiple homes or lots. The forms shall also permit the submission of a restrictive covenant modification form for a homeowners' association or a common interest development to modify covenants, conditions, and restrictions that will correct unlawfully restrictive covenants for multiple dwellings within a subdivision.

(h) If a person causes to be recorded a modified document pursuant to this section that contains modifications not authorized by this section, the county recorder shall not incur liability for recording the document. The liability that may result from the unauthorized recordation is the sole responsibility of the person who caused the modified recordation as provided in subdivision (a).

(i) (1) A restrictive covenant modification that is approved by county counsel or their designee and recorded pursuant to this section removes the illegal covenant from all property affected by the original covenant regardless of who submits the modification.

(2) This section does not affect the obligations of the governing board of a common interest development as defined in Section 4100 or 6534 of the Civil Code if the board of directors of that common interest development is subject to the requirements of subdivision (b) of Section 4225 or of subdivision (b) of Section 6606 of the Civil Code.

(j) For purposes of this section, "redaction" and "redacted" mean the same as defined in Section 12956.1.

**SEC. 25.** Section 12965 of the Government Code is amended to read:

**12965.** (a) (1) In the case of failure to eliminate an unlawful practice under this part through conference, conciliation, mediation, or persuasion, or in advance thereof if circumstances warrant, the director in the director's discretion may bring a civil action in the name of the department, acting in the public interest, on behalf of the person claiming to be aggrieved.

(2) Prior to filing a civil action, the department shall require all parties to participate in mandatory dispute resolution in the department's internal dispute resolution division free of charge to the parties in an effort to resolve the dispute without litigation.

(3) In a civil action, the person claiming to be aggrieved shall be the real party in interest and shall have the right to participate as a party and be represented by that person's own counsel.

(4) A civil action under this subdivision shall be brought in a county in which the department has an office, in a county in which unlawful practices are alleged to have been committed, in the county in which records relevant to the alleged unlawful practices are maintained and administered, in the county in which the person claiming to be aggrieved would have worked or would have had access to public accommodation, but for the alleged unlawful practices, in the county of the defendant's residence or principal office, or, if the civil action includes class or group allegations on behalf of the department, in any county in the state.

(5) (A) A complaint treated by the director as a group or class complaint for purposes of investigation, conciliation, mediation, or civil action pursuant to Section 12961, a civil action shall be brought, if at all, within two years after the filing of the complaint.

(B) For a complaint alleging a violation of Section 51.7 of the Civil Code, a civil action shall be brought, if at all, within two years after the filing of the complaint.

(C) For a complaint other than those specified in subparagraphs (A) and (B), a civil action shall be brought, if at all, within one year after the filing of a complaint.

(D) The deadlines specified in subparagraphs (A), (B), and (C), shall be tolled during a mandatory or voluntary dispute resolution proceeding commencing on the date the department refers the case to its dispute resolution division and ending on the date the department's dispute resolution division closes its mediation record and returns the case to the division that referred it.

(b) For purposes of this section, filing a complaint means filing a verified complaint.

(c) (1) (A) Except as specified in subparagraph (B), if a civil action is not brought by the department pursuant to subdivision (a) within 150 days after the filing of a complaint, or if the department earlier determines that no civil action will be brought pursuant to subdivision (a), the department shall promptly notify, in writing, the person claiming to be aggrieved that the department shall issue, on request, the right-to-sue notice. If the person claiming to be aggrieved does not request a right-to-sue notice, the department shall issue the notice upon completion of its investigation, and not later than one year after the filing of the complaint.

(B) For a complaint treated as a group or class complaint for purposes of investigation, conciliation, mediation, or civil action pursuant to subdivision (b) of Section 12961, the department shall issue a right-to-sue notice upon completion of its investigation, and not later than two years after the filing of the complaint.

(C) The notices specified in subparagraphs (A) and (B) shall indicate that the person claiming to be aggrieved may bring a civil action under this part against the person, employer, labor organization, or employment agency named in the verified complaint within one year from the date of that notice.

(D) This paragraph applies only to complaints alleging unlawful employment practices under Article 1 (commencing with Section 12940) of Chapter 6.

(E) The deadlines specified in subparagraphs (A) and (B) shall be tolled during a mandatory or voluntary dispute resolution proceeding commencing on the date the department refers the case to its dispute resolution division and ending on the date the department's dispute resolution division closes its mediation record and returns the case to the division that referred it.

(2) A city, county, or district attorney in a location having an enforcement unit established on or before March 1, 1991, pursuant to a local ordinance enacted for the purpose of prosecuting HIV/AIDS discrimination claims, acting on behalf of any person claiming to be aggrieved due to HIV/AIDS discrimination, may also bring a civil action under this part against the person, employer, labor organization, or employment agency named in the notice.

(3) The superior courts of the State of California shall have jurisdiction of actions brought pursuant to this section, and the aggrieved person may file in these courts. An action may be brought in any county in the state in which the unlawful practice is alleged to have been committed, in the county in which the records relevant to the practice are maintained and administered, or in the county in which the aggrieved person would have worked or would have had access to the public accommodation but for



the alleged unlawful practice, but if the defendant is not found within any of these counties, an action may be brought within the county of the defendant's residence or principal office.

(4) A copy of any complaint filed pursuant to this part shall be served on the principal offices of the department. The remedy for failure to send a copy of a complaint is an order to do so.

(5) A civil action brought pursuant to this section shall not be filed as class actions and shall not be maintained as class actions by the person or persons claiming to be aggrieved if those persons have filed a civil class action in the federal courts alleging a comparable claim of employment discrimination against the same defendant or defendants.

(6) In civil actions brought under this section, the court, in its discretion, may award to the prevailing party, including the department, reasonable attorney's fees and costs, including expert witness fees, except that, notwithstanding Section 998 of the Code of Civil Procedure, a prevailing defendant shall not be awarded fees and costs unless the court finds the action was frivolous, unreasonable, or groundless when brought, or the plaintiff continued to litigate after it clearly became so.

(d) A court may grant as relief in any action filed pursuant to subdivision (a) any relief a court is empowered to grant in a civil action brought pursuant to subdivision (c), in addition to any other relief that, in the judgment of the court, will effectuate the purpose of this part. This relief may include a requirement that the employer conduct training for all employees, supervisors, and management on the requirements of this part, the rights and remedies of those who allege a violation of this part, and the employer's internal grievance procedures. In addition, in order to vindicate the purposes and policies of this part, a court may assess against the defendant, if the civil complaint or amended civil complaint so prays, a civil penalty of up to twenty-five thousand dollars (\$25,000) to be awarded to a person denied any right provided for by Section 51.7 of the Civil Code, as an unlawful practice prohibited under this part.

(e) (1) Notwithstanding subdivision (c), the one-year statute of limitations, commencing from the date of the right-to-sue notice by the department to the person claiming to be aggrieved, shall be tolled when all of the following requirements have been met:

(A) A charge of discrimination or harassment is timely filed concurrently with the Equal Employment Opportunity Commission and the department.

(B) The investigation of the charge is deferred by the department to the Equal Employment Opportunity Commission.

(C) A right-to-sue notice is issued to the person claiming to be aggrieved upon deferral of the charge by the department to the Equal Employment Opportunity Commission.

(2) The time for commencing an action for which the statute of limitations is tolled under paragraph (1) expires when the federal right-to-sue period to commence a civil action expires, or one year from the date of the right-to-sue notice by the department, whichever is later.

(3) This subdivision is intended to codify the holding in *Downs v. Department of Water and Power of City of Los Angeles* (1997) 58 Cal.App.4th 1093.

(f) (1) Notwithstanding subdivision (c), the one-year statute of limitations, commencing from the date of the right-to-sue notice by the department, to the person claiming to be aggrieved, shall be tolled when all of the following requirements have been met:

(A) A charge of discrimination or harassment is timely filed concurrently with the Equal Employment Opportunity Commission and the department.

(B) The investigation of the charge is deferred by the Equal Employment Opportunity Commission to the Civil Rights Department.

(C) After investigation and determination by the department, the Equal Employment Opportunity Commission agrees to perform a substantial weight review of the determination of the department or conducts its own investigation of the claim filed by the aggrieved person.

(2) The time for commencing an action for which the statute of limitations is tolled under paragraph (1) shall expire when the federal right-to-sue period to commence a civil action expires, or one year from the date of the right-to-sue notice by the department, whichever is later.

**SEC. 26.** Section 14985.7 of the Government Code is amended to read:

**14985.7.** (a) On or before April 15, 2013, the commission shall report to the Legislature, and to the Chairs of the Senate and Assembly Committees on Judiciary, of its activities and efforts since the commission was established to implement the predecessors of Sections 14985.5 and 14985.6, including the provisions that were law before amendment or repeal in the 2011–12 Regular Session. Commencing in 2014, and notwithstanding Section 10231.5, the commission shall report on or before March

31 and annually thereafter to the Legislature, and to the Chairs of the Senate and Assembly Committees on Judiciary, of its ongoing efforts to implement Sections 14985.5 and 14985.6, as amended in the 2011–12 Regular Session.

(b) A report to be submitted pursuant to subdivision (a) shall be submitted in compliance with Section 9795.

**SEC. 27.** Section 14985.8 of the Government Code is amended to read:

**14985.8.** The commission shall compile the following data with respect to any demand letter or complaint sent to the commission pursuant to Section 55.32 of the Civil Code and post the information on its internet website pursuant to the following:

(a) The commission shall identify the various types of access violations alleged in the demand letters and in the complaints, respectively, and shall tabulate the number of claims alleged for each type of violation in the demand letters and complaints, respectively. For purposes of this subdivision, any demand for money letters shall be grouped as demand letters.

(b) Periodically, but not less than every six months beginning July 31, 2013, the commission shall post on its internet website a list, by type, of the 10 most frequent types of accessibility violations alleged in the demand letters and in the complaints, respectively, and the numbers of alleged violations for each listed type of violation for the prior two quarters.

(c) The commission shall, on a quarterly basis, identify and tabulate the number of demand letters and complaints received by the commission. The commission shall further ascertain whether a complaint was filed in state or federal court and tabulate the number of complaints filed in state or federal court, respectively. This data shall be posted on the commission's internet website periodically, but not less than every six months beginning July 31, 2013.

(d) Commencing in 2014, and notwithstanding Section 10231.5, the commission shall make an annual report to the Legislature and the Chairs of the Senate and Assembly Committees on Judiciary by March 31 of each year of the tabulated data for the preceding calendar year as set forth in subdivisions (a) to (c), inclusive. A report to be submitted pursuant to this subdivision shall be submitted in compliance with Section 9795.

(e) At least 30 days before requiring a new standard format for the information to be sent to the commission pursuant to Section 55.32 of the Civil Code, the commission shall post on its internet website the new standard format and the date on which the commission shall begin requiring that information to be sent to the commission in the new standard format.

**SEC. 28.** Section 27388.2 of the Government Code is amended to read:

**27388.2.** (a) In addition to all other fees authorized by this section, a county recorder may charge a fee of two dollars (\$2) for recording the first page of every real estate instrument, paper, or notice required or permitted by law to be recorded per each single transaction per parcel of real property, except those expressly exempted from payment of recording fees, as authorized by each county's board of supervisors and in accordance with applicable constitutional requirements. The funds generated by this fee shall be used only by the county recorder collecting the fee for the purpose of implementing a restrictive covenant program pursuant to Section 12956.3. "Real estate instrument, paper, or notice" means a document relating to real property, including, but not limited to, the following: deed, grant deed, trustee's deed, deed of trust, reconveyance, quit claim deed, fictitious deed of trust, assignment of deed of trust, request for notice of default, abstract of judgment, subordination agreement, declaration of homestead, abandonment of homestead, notice of default, release or discharge, easement, notice of trustee sale, notice of completion, UCC financing statement, mechanic's lien, maps, and covenants, conditions, and restrictions.

(b) The fee described in subdivision (a) shall not be imposed on any of the following documents:

(1) Any real estate instrument, paper, or notice recorded in connection with a transfer subject to the imposition of a documentary transfer tax, as defined in Section 11911 of the Revenue and Taxation Code.

(2) Any real estate instrument, paper, or notice recorded in connection with a transfer of real property that is a residential dwelling to an owner-occupier.

(3) Any real estate instrument, paper, or notice executed or recorded by the federal government in accordance with the Uniform Federal Lien Registration Act (Title 7 (commencing with Section 2100) of Part 4 of the Code of Civil Procedure).

(4) Any real estate instrument, paper, or notice executed or recorded by the state or any county, municipality, or other political subdivision of the state.

(c) A county recorder shall not charge the fee described in this section after December 31, 2027, unless the county recorder has received reauthorization by the county's board of supervisors. A county recorder shall not seek reauthorization of the fee by the board before June 1, 2027, or after December 31, 2027. Any reauthorization period shall not exceed five years.

**SEC. 29.** Section 18122 of the Penal Code is repealed.

**SEC. 30.** Section 18122 is added to the Penal Code, to read:

**18122.** (a) (1) A court or court facility that receives petitions for any restraining order under this division or temporary gun violence restraining orders consistent with Chapter 2 (commencing with Section 18125) shall permit those petitions to be submitted electronically. The court or court facility shall, based on the time of receipt, act on these filings consistent with Section 18150.

(2) The request, notice of the court date, copies of the request to serve on the respondent, and the temporary restraining order, if granted, shall be provided to the petitioner electronically, unless the petitioner notes, at the time of electronic filing, that these documents will be picked up from the court or court facility.

(b) (1) Information regarding electronic filing and access to the court's self-help center shall be prominently displayed on each court's homepage.

(2) Each self-help center shall maintain and make available information related to gun violence restraining orders pursuant to this section.

(c) The Judicial Council may adopt or amend rules and forms to implement this section.

(d) This section shall become operative on July 1, 2023.

**SEC. 31.** Section 18123 of the Penal Code is amended to read:

**18123.** A party or witness may appear remotely at the hearing on a petition for a gun violence restraining order. The superior court of each county shall develop local rules and instructions for remote appearances permitted under this section, which shall be posted on its internet website.

**SEC. 32.** Section 1471 of the Probate Code is amended to read:

**1471.** (a) If a conservatee, proposed conservatee, or person alleged to lack legal capacity is not represented by legal counsel and does not plan to retain counsel, whether or not that person lacks or appears to lack legal capacity, the court shall, at or before the time of the hearing, appoint the public defender or private counsel to represent the person in the following proceedings under this division:

(1) A proceeding to establish or transfer a conservatorship or to appoint a proposed conservator.

(2) A proceeding to terminate the conservatorship.

(3) A proceeding to remove the conservator.

(4) A proceeding for a court order affecting the legal capacity of the conservatee.

(5) A proceeding to obtain an order authorizing removal of a temporary conservatee from the temporary conservatee's place of residence.

(b) In a proceeding to establish a limited conservatorship, if the proposed limited conservatee has not retained legal counsel and does not plan to retain legal counsel, the court shall immediately appoint the public defender or private counsel to represent the proposed limited conservatee. The proposed limited conservatee shall pay the cost for that legal service if they are able. This subdivision applies irrespective of any medical or psychological inability to attend the hearing on the part of the proposed limited conservatee as allowed in Section 1825.

(c) If a conservatee, proposed conservatee, or person alleged to lack legal capacity expresses a preference for a particular attorney to represent them, the court shall allow representation by the preferred attorney, even if the attorney is not on the court's list of a court-appointed attorneys, and the attorney shall provide zealous representation as provided in subdivision (d). However, an attorney who cannot provide zealous advocacy or who has a conflict of interest with respect to the representation of the conservatee, proposed conservatee, or person alleged to lack legal capacity shall be disqualified.

(d) The role of legal counsel of a conservatee, proposed conservatee, or a person alleged to lack legal capacity is that of a zealous, independent advocate representing the wishes of their client, consistent with the duties set forth in Section 6068 of the Business and Professions Code and the California Rules of Professional Conduct.

(e) In an appeal or writ proceeding arising out of a proceeding described in this section, if a conservatee or proposed conservatee is not represented by legal counsel, the reviewing court shall appoint legal counsel to represent the conservatee or proposed conservatee before the court.

**SEC. 33.** Section 1821 of the Probate Code is amended to read:

**1821.** (a) (1) The petition shall request that a conservator be appointed for the person or estate, or both, shall specify the name, address, and telephone number of the proposed conservator and the name, address, and telephone number of the proposed conservatee, and state the reasons why a conservatorship is necessary. Unless the petitioner or proposed conservator is a bank or other entity authorized to conduct the business of a trust company, the petitioner or proposed conservator shall also file supplemental information as to why the appointment of a conservator is required. The supplemental information to be submitted shall include a brief statement of facts addressed to each of the following categories:

(A) The inability of the proposed conservatee to properly provide for their own needs for physical health, food, clothing, or shelter.

(B) The location and nature of the proposed conservatee's residence and the ability of the proposed conservatee to live in the residence while under conservatorship.

(C) Alternatives to conservatorship considered by the petitioner or proposed conservator and reasons why those alternatives are not suitable.

(D) Health or social services provided to the proposed conservatee during the year immediately preceding the filing of the petition, when the petitioner or proposed conservator has information as to those services.

(E) The substantial inability of the proposed conservatee to manage their own financial resources, or to resist fraud or undue influence.

(2) The facts required to address the categories set forth in subparagraphs (A) to (E), inclusive, of paragraph (1) shall be set forth by the petitioner or proposed conservator if the proposed conservator has knowledge of the facts or by the declarations or affidavits of other persons having knowledge of those facts.

(3) If any of the categories set forth in subparagraphs (A) to (E), inclusive, of paragraph (1) are not applicable to the proposed conservatorship, the petitioner or proposed conservator shall so indicate and state on the supplemental information form the reasons therefor.

The Judicial Council shall develop a supplemental information form for the information required pursuant to subparagraphs (A) to (E), inclusive, of paragraph (1) after consultation with individuals or organizations approved by the Judicial Council, who represent public conservators, court investigators, the State Bar, specialists with experience in performing assessments and coordinating community-based services, and legal services for the elderly and disabled.

(4) The supplemental information form shall be separate and distinct from the form for the petition. The supplemental information shall be confidential and shall be made available only to parties, persons given notice of the petition who have requested this supplemental information or who have appeared in the proceedings, their attorneys, and the court. The court shall have discretion at any other time to release the supplemental information to other persons if it would serve the interests of the conservatee. The clerk of the court shall make provision for limiting disclosure of the supplemental information exclusively to persons entitled thereto under this section.

(b) The petition shall set forth, so far as they are known to the petitioner or proposed conservator, the names and addresses of the spouse or domestic partner, and of the relatives of the proposed conservatee within the second degree. If no spouse or domestic partner of the proposed conservatee or relatives of the proposed conservatee within the second degree are known to the petitioner or proposed conservator, the petition shall set forth, so far as they are known to the petitioner or proposed conservator, the names and addresses of the following persons who, for the purposes of Section 1822, shall all be deemed to be relatives:

(1) A spouse or domestic partner of a predeceased parent of a proposed conservatee.

(2) The children of a predeceased spouse or domestic partner of a proposed conservatee.

(3) The siblings of the proposed conservatee's parents, if any, but if none, then the natural and adoptive children of the proposed conservatee's parents' siblings.

(4) The natural and adoptive children of the proposed conservatee's siblings.

(c) If the petitioner or proposed conservator is a professional fiduciary, as described in Section 2340, who is required to be licensed under the Professional Fiduciaries Act (Chapter 6 (commencing with Section 6500) of Division 3 of the Business and Professions Code), the petition shall include the following:

(1) The petitioner's or proposed conservator's proposed hourly fee schedule or another statement of their proposed compensation from the estate of the proposed conservatee for services performed as a conservator. The petitioner's or proposed conservator's provision of a proposed hourly fee schedule or another statement of their proposed compensation, as required by this paragraph, shall not preclude a court from later reducing the petitioner's or proposed conservator's fees or other compensation.

(2) Unless a petition for appointment of a temporary conservator that contains the statements required by this paragraph is filed together with a petition for appointment of a conservator, both of the following:

(A) A statement of the petitioner's or proposed conservator's license information.

(B) A statement explaining who engaged the petitioner or proposed conservator or how the petitioner or proposed conservator was engaged to file the petition for appointment of a conservator or to agree to accept the appointment as conservator and what prior relationship the petitioner or proposed conservator had with the proposed conservatee or the proposed conservatee's family or friends.

(d) If the petition is filed by a person other than the proposed conservatee, the petition shall include a declaration of due diligence showing both of the following:

(1) Either the efforts to find the proposed conservatee's relatives or why it was not feasible to contact any of them.

(2) Either the preferences of the proposed conservatee concerning the appointment of a conservator and the appointment of the proposed conservator or why it was not feasible to ascertain those preferences.

(e) If the petition is filed by a person other than the proposed conservatee, the petition shall state whether or not the petitioner is a creditor or debtor, or the agent of a creditor or debtor, of the proposed conservatee.

(f) If the proposed conservatee is a patient in, or on leave of absence from, a state institution under the jurisdiction of the State Department of State Hospitals or the State Department of Developmental Services and that fact is known to the petitioner or proposed conservator, the petition shall state that fact and name the institution.

(g) The petition shall state, so far as is known to the petitioner or proposed conservator, whether or not the proposed conservatee is receiving, or is entitled to receive, benefits from the Veterans Administration and the estimated amount of the monthly benefit payable by the Veterans Administration for the proposed conservatee.

(h) The petition may include an application for any order or orders authorized under this division, including, but not limited to, orders under Chapter 4 (commencing with Section 1870).

(i) The petition may include a further statement that the proposed conservatee is not willing to attend the hearing on the petition, does not wish to contest the establishment of the conservatorship, and does not object to the proposed conservator or prefer that another person act as conservator.

(j) (1) In the case of an allegedly developmentally disabled adult, the petition shall set forth the following:

(A) The nature and degree of the alleged disability, the specific duties and powers requested by or for the limited conservator, and the limitations of civil and legal rights requested to be included in the court's order of appointment.

(B) Whether or not the proposed limited conservatee is, or is alleged to be, developmentally disabled.

(2) Reports submitted pursuant to Section 416.8 of the Health and Safety Code meet the requirements of this section, and conservatorships filed pursuant to Article 7.5 (commencing with Section 416) of Chapter 2 of Part 1 of Division 1 of the Health and Safety Code are exempt from providing the supplemental information required by this section, so long as the guidelines adopted by the State Department of Developmental Services for regional centers require the same information that is required pursuant to this section.

(k) The petition shall state, so far as is known to the petitioner, whether or not the proposed conservatee is a member of a federally recognized Indian tribe. If so, the petition shall state the name of the tribe, the state in which the tribe is located, whether the proposed conservatee resides on tribal land, and whether the proposed conservatee is known to own property on tribal land. For the purposes of this subdivision, "tribal land" means land that is, with respect to a specific Indian tribe and the members of that tribe, "Indian country" as defined in Section 1151 of Title 18 of the United States Code.

**SEC. 33.5.** Section 1821 of the Probate Code is amended to read:

**1821.** (a) (1) The petition shall request that a conservator be appointed for the person or estate, or both, shall specify the name, address, and telephone number of the proposed conservator and the name, address, and telephone number of the proposed

conservatee, and state the reasons why a conservatorship is necessary. Unless the petitioner or proposed conservator is a bank or other entity authorized to conduct the business of a trust company, the petitioner or proposed conservator shall also file supplemental information as to why the appointment of a conservator is required. The supplemental information to be submitted shall include a brief statement of facts addressed to each of the following categories:

(A) The inability of the proposed conservatee to properly provide for their own needs for physical health, food, clothing, or shelter.

(B) The location and nature of the proposed conservatee's residence and the ability of the proposed conservatee to live in the residence while under conservatorship.

(C) Alternatives to conservatorship considered by the petitioner or proposed conservator and reasons why those alternatives are not suitable, alternatives tried by the petitioner or proposed conservators, if any, including details as to the length and duration of attempted alternatives and the reasons why those alternatives do not meet the conservatee's needs. Those alternatives include, but are not limited to, all of the following:

(i) Supported decisionmaking agreements, as defined in Section 21001 of the Welfare and Institutions Code.

(ii) Powers of Attorney set forth in Division 4.5 (commencing with Section 4000).

(iii) Advanced Health Care Directives set forth in Chapter 1 (commencing with Section 4670) of Part 2 of Division 4.7.

(iv) Designations of a health care surrogate as set forth in Section 4711.

(D) Health or social services provided to the proposed conservatee during the year immediately preceding the filing of the petition, when the petitioner or proposed conservator has information as to those services.

(E) The substantial inability of the proposed conservatee to manage their own financial resources, or to resist fraud or undue influence.

(2) The facts required to address the categories set forth in subparagraphs (A) to (E), inclusive, of paragraph (1), shall be set forth by the petitioner or proposed conservator if the proposed conservator has knowledge of the facts or by the declarations or affidavits of other persons having knowledge of those facts.

(3) If any of the categories set forth in subparagraphs (A) to (E), inclusive, of paragraph (1), are not applicable to the proposed conservatorship, the petitioner or proposed conservator shall so indicate and state on the supplemental information form the reasons therefor.

(4) The Judicial Council shall develop a supplemental information form for the information required pursuant to subparagraphs (A) to (E), inclusive, of paragraph (1), after consultation with individuals or organizations approved by the Judicial Council, who represent public conservators, court investigators, the State Bar, specialists with experience in performing assessments and coordinating community-based services, and legal services for the elderly and disabled.

(5) The supplemental information form shall be separate and distinct from the form for the petition. The supplemental information shall be confidential and shall be made available only to parties, persons given notice of the petition who have requested this supplemental information or who have appeared in the proceedings, their attorneys, and the court. The court shall have discretion at any other time to release the supplemental information to other persons if it would serve the interests of the conservatee. The clerk of the court shall make provision for limiting disclosure of the supplemental information exclusively to persons entitled thereto under this section.

(b) The petition shall set forth, so far as they are known to the petitioner or proposed conservator, the names and addresses of the spouse or domestic partner, and of the relatives of the proposed conservatee within the second degree. If no spouse or domestic partner of the proposed conservatee or relatives of the proposed conservatee within the second degree are known to the petitioner or proposed conservator, the petition shall set forth, so far as they are known to the petitioner or proposed conservator, the names and addresses of the following persons who, for the purposes of Section 1822, shall all be deemed to be relatives:

(1) A spouse or domestic partner of a predeceased parent of a proposed conservatee.

(2) The children of a predeceased spouse or domestic partner of a proposed conservatee.

(3) The siblings of the proposed conservatee's parents, if any, but if none, then the natural and adoptive children of the proposed conservatee's parents' siblings.

(4) The natural and adoptive children of the proposed conservatee's siblings.

(c) If the petitioner or proposed conservator is a professional fiduciary, as described in Section 2340, who is required to be licensed under the Professional Fiduciaries Act (Chapter 6 (commencing with Section 6500) of Division 3 of the Business and Professions Code), the petition shall include the following:

(1) The petitioner's or proposed conservator's proposed hourly fee schedule or another statement of their proposed compensation from the estate of the proposed conservatee for services performed as a conservator. The petitioner's or proposed conservator's provision of a proposed hourly fee schedule or another statement of their proposed compensation, as required by this paragraph, shall not preclude a court from later reducing the petitioner's or proposed conservator's fees or other compensation.

(2) Unless a petition for appointment of a temporary conservator that contains the statements required by this paragraph is filed together with a petition for appointment of a conservator, both of the following:

(A) A statement of the petitioner's or proposed conservator's license information.

(B) A statement explaining who engaged the petitioner or proposed conservator or how the petitioner or proposed conservator was engaged to file the petition for appointment of a conservator or to agree to accept the appointment as conservator and what prior relationship the petitioner or proposed conservator had with the proposed conservatee or the proposed conservatee's family or friends.

(d) If the petition is filed by a person other than the proposed conservatee, the petition shall include a declaration of due diligence showing both of the following:

(1) Either the efforts to find the proposed conservatee's relatives or why it was not feasible to contact any of them.

(2) Either the preferences of the proposed conservatee concerning the appointment of a conservator and the appointment of the proposed conservator or why it was not feasible to ascertain those preferences.

(e) If the petition is filed by a person other than the proposed conservatee, the petition shall state whether or not the petitioner is a creditor or debtor, or the agent of a creditor or debtor, of the proposed conservatee.

(f) If the proposed conservatee is a patient in, or on leave of absence from, a state institution under the jurisdiction of the State Department of State Hospitals or the State Department of Developmental Services and that fact is known to the petitioner or proposed conservator, the petition shall state that fact and name the institution.

(g) The petition shall state, so far as is known to the petitioner or proposed conservator, whether or not the proposed conservatee is receiving, or is entitled to receive, benefits from the Veterans Administration and the estimated amount of the monthly benefit payable by the Veterans Administration for the proposed conservatee.

(h) The petition may include an application for any order or orders authorized under this division, including, but not limited to, orders under Chapter 4 (commencing with Section 1870).

(i) The petition may include a further statement that the proposed conservatee is not willing to attend the hearing on the petition, does not wish to contest the establishment of the conservatorship, and does not object to the proposed conservator or prefer that another person act as conservator.

(j) (1) In the case of an allegedly developmentally disabled adult, the petition shall set forth the following:

(A) The nature and degree of the alleged disability, the specific duties and powers requested by or for the limited conservator, and the limitations of civil and legal rights requested to be included in the court's order of appointment.

(B) Whether or not the proposed limited conservatee is, or is alleged to be, developmentally disabled.

(2) Reports submitted pursuant to Section 416.8 of the Health and Safety Code meet the requirements of this section, and conservatorships filed pursuant to Article 7.5 (commencing with Section 416) of Chapter 2 of Part 1 of Division 1 of the Health and Safety Code are exempt from providing the supplemental information required by this section, as long as the guidelines adopted by the State Department of Developmental Services for regional centers are publicly accessible via the department's internet website and require the same information that is required pursuant to this section.

(k) The petition shall state, so far as is known to the petitioner, whether or not the proposed conservatee is a member of a federally recognized Indian tribe. If so, the petition shall state the name of the tribe, the state in which the tribe is located, whether the proposed conservatee resides on tribal land, and whether the proposed conservatee is known to own property on tribal land. For the purposes of this subdivision, "tribal land" means land that is, with respect to a specific Indian tribe and the members of that tribe, "Indian country" as defined in Section 1151 of Title 18 of the United States Code.

**SEC. 34.** Section 1823 of the Probate Code is amended to read:

**1823.** (a) If the petition is filed by a person other than the proposed conservatee, the clerk shall issue a citation directed to the proposed conservatee setting forth the time and place of hearing.

(b) The citation shall state the legal standards by which the need for a conservatorship is adjudged as stated in Section 1801 and shall state the substance of all of the following:

(1) The proposed conservatee may be adjudged unable to provide for personal needs or to manage financial resources and, by reason thereof, a conservator may be appointed for the person or estate, or both.

(2) Such adjudication may affect or transfer to the conservator the proposed conservatee's right to contract, in whole or in part, to manage and control property, to give informed consent for medical treatment, and to fix a residence.

(3) (A) The proposed conservatee may be disqualified from voting pursuant to Section 2208 of the Elections Code if the proposed conservatee is incapable of communicating, with or without reasonable accommodations, a desire to participate in the voting process.

(B) The proposed conservatee shall not be disqualified from voting on the basis that the proposed conservatee does, or would need to do, any of the following to complete an affidavit of voter registration:

(i) Signs the affidavit of voter registration with a mark or a cross pursuant to subdivision (b) of Section 2150 of the Elections Code.

(ii) Signs the affidavit of voter registration by means of a signature stamp pursuant to Section 354.5 of the Elections Code.

(iii) Completes the affidavit of voter registration with the assistance of another person pursuant to subdivision (d) of Section 2150 of the Elections Code.

(iv) Completes the affidavit of voter registration with reasonable accommodations.

(4) The court or a court investigator shall explain the nature, purpose, and effect of the proceeding to the proposed conservatee and shall answer questions concerning the explanation.

(5) The proposed conservatee has the right to appear at the hearing and to oppose the petition, and in the case of an alleged developmentally disabled adult, to oppose the petition in part, by objecting to any or all of the requested duties or powers of the limited conservator.

(6) The proposed conservatee has the right to choose and be represented by legal counsel and has the right to have legal counsel appointed by the court if not otherwise represented by legal counsel.

(7) The proposed conservatee has the right to a jury trial, if desired.

**SEC. 35.** Section 1826 of the Probate Code is amended to read:

**1826.** (a) Regardless of whether the proposed conservatee attends the hearing, the court investigator shall do all of the following:

(1) Conduct the following interviews:

(A) The proposed conservatee personally.

(B) All petitioners and all proposed conservators who are not petitioners.

(C) The proposed conservatee's spouse or registered domestic partner and relatives within the first degree. If the proposed conservatee does not have a spouse, registered domestic partner, or relatives within the first degree, to the greatest extent possible, the proposed conservatee's relatives within the second degree.

(D) To the greatest extent practical and taking into account the proposed conservatee's wishes, the proposed conservatee's relatives within the second degree not required to be interviewed under subparagraph (C), neighbors, and, if known, close friends.

(2) Inform the proposed conservatee of the contents of the petition and citation, of the nature, purpose, and effect of the proceeding, and of the right of the proposed conservatee to oppose the petition, to attend the hearing on the petition, to have the matter of the establishment of the conservatorship tried by jury, to be represented by legal counsel, and to have legal counsel appointed by the court if not otherwise represented by legal counsel.

(3) Determine if it appears that the proposed conservatee is unable to attend the hearing and, if able to attend, whether the proposed conservatee is willing to attend the hearing.



(4) Review the allegations of the petition as to why the appointment of the conservator is required and, in making the determination, do the following:

(A) Refer to the supplemental information form submitted by the petitioner and consider the facts set forth in the form that address each of the categories specified in subparagraphs (A) to (E), inclusive, of paragraph (1) of subdivision (a) of Section 1821, as well as the medical reports received pursuant to paragraph (9).

(B) Determine, to the extent practicable or possible, whether the court investigator believes the proposed conservatee suffers from any of the mental function deficits listed in subdivision (a) of Section 811 that significantly impairs the proposed conservatee's ability to understand and appreciate the consequences of the proposed conservatee's actions in connection with any of the functions described in subdivision (a) or (b) of Section 1801 and describe the observations that support that belief, including information in the medical reports received pursuant to paragraph (9).

(5) Determine if the proposed conservatee wishes to oppose the establishment of the conservatorship.

(6) Determine if the proposed conservatee objects to the proposed conservator or prefers another person to act as conservator.

(7) Determine if the proposed conservatee wishes to be represented by legal counsel and, if so, whether the proposed conservatee has retained legal counsel and, if not, whether the proposed conservatee plans to retain legal counsel.

(8) (A) Determine if the proposed conservatee is incapable of communicating, with or without reasonable accommodations, a desire to participate in the voting process, and may be disqualified from voting pursuant to Section 2208 of the Elections Code.

(B) The proposed conservatee shall not be disqualified from voting on the basis that the proposed conservatee does, or would need to do, any of the following to complete an affidavit of voter registration:

(i) Signs the affidavit of voter registration with a mark or a cross pursuant to subdivision (b) of Section 2150 of the Elections Code.

(ii) Signs the affidavit of voter registration by means of a signature stamp pursuant to Section 354.5 of the Elections Code.

(iii) Completes the affidavit of voter registration with the assistance of another person pursuant to subdivision (d) of Section 2150 of the Elections Code.

(iv) Completes the affidavit of voter registration with reasonable accommodations.

(9) Gather and review relevant medical reports regarding the proposed conservatee from the proposed conservatee's primary care physician and other relevant mental and physical health care providers.

(10) Report to the court in writing, at least five days before the hearing, concerning all of the foregoing, including the proposed conservatee's express communications concerning both of the following:

(A) Representation by legal counsel.

(B) If the proposed conservatee is not willing to attend the hearing, does not wish to contest the establishment of the conservatorship, and does not object to the proposed conservator or prefers that another person act as conservator.

(11) Deliver pursuant to Section 1215, at least five days before the hearing, a copy of the report referred to in paragraph (10) to all of the following:

(A) The attorney, if any, for the petitioner.

(B) The attorney, if any, for the proposed conservatee.

(C) The proposed conservatee.

(D) The spouse, registered domestic partner, and relatives within the first degree of the proposed conservatee who are required to be named in the petition for appointment of the conservator, unless the court determines that the delivery will harm the conservatee.

(E) Any other persons as the court orders.

(b) The court investigator has discretion to release the report required by this section to the public conservator, interested public agencies, and the long-term care ombudsperson.

(c) (1) The report required by this section is confidential and shall be made available only to parties, persons described in paragraph (11) of subdivision (a), persons given notice of the petition who have requested this report or who have appeared in the proceedings, their attorneys, and the court. The court has discretion at any other time to release the report, if it would serve the interests of the conservatee. The clerk of the court shall provide for the limitation of the report exclusively to persons entitled to its receipt.

(2) Notwithstanding paragraph (1), confidential medical information and confidential information from the California Law Enforcement Telecommunications System (CLETS) shall be placed in a separate attachment to the report and shall be made available only to the proposed conservatee and the proposed conservatee's attorney.

(d) This section does not apply to a proposed conservatee who has personally executed the petition for conservatorship, or a proposed conservatee who has nominated their own conservator, if the proposed conservatee attends the hearing.

(e) If the court investigator has performed an investigation within the preceding six months and furnished a report thereon to the court, the court may order, upon good cause shown, that another investigation is not necessary or that a more limited investigation may be performed.

(f) An investigation by the court investigator related to a temporary conservatorship also may be a part of the investigation for the general petition for conservatorship, but the court investigator shall make a second visit to the proposed conservatee and the report required by this section shall include the effect of the temporary conservatorship on the proposed conservatee.

(g) The Judicial Council shall, on or before January 1, 2023, update the rules of court and Judicial Council forms as necessary to implement this section.

(h) (1) A superior court shall not be required to perform any duties imposed pursuant to the amendments to this section enacted by Chapter 493 of the Statutes of 2006 until the Legislature makes an appropriation identified for this purpose.

(2) A superior court shall not be required to perform any duties imposed pursuant to the amendments to this section enacted by the measure that added this paragraph until the Legislature makes an appropriation identified for this purpose.

**SEC. 36.** Section 1828 of the Probate Code is amended to read:

**1828.** (a) Except as provided in subdivision (c), before the establishment of a conservatorship of the person or estate, or both, the court shall inform the proposed conservatee of all of the following:

(1) The nature and purpose of the proceeding.

(2) The establishment of a conservatorship is a legal adjudication of the proposed conservatee's inability to properly provide for the proposed conservatee's personal needs or to manage the conservatee's own financial resources, or both, depending on the allegations made and the determinations requested in the petition, and the effect of such an adjudication on the proposed conservatee's basic rights.

(3) (A) The proposed conservatee may be disqualified from voting pursuant to Section 2208 of the Elections Code if the proposed conservatee is incapable of communicating, with or without reasonable accommodations, a desire to participate in the voting process.

(B) The proposed conservatee shall not be disqualified from voting on the basis that the proposed conservatee does, or would need to do, any of the following to complete an affidavit of voter registration:

(i) Signs the affidavit of voter registration with a mark or a cross pursuant to subdivision (b) of Section 2150 of the Elections Code.

(ii) Signs the affidavit of voter registration by means of a signature stamp pursuant to Section 354.5 of the Elections Code.

(iii) Completes the affidavit of voter registration with the assistance of another person pursuant to subdivision (d) of Section 2150 of the Elections Code.

(iv) Completes the affidavit of voter registration with reasonable accommodations.

(4) The identity of the proposed conservator.

(5) The nature and effect on the proposed conservatee's basic rights of any order requested under Chapter 4 (commencing with Section 1870), and in the case of an allegedly developmentally disabled adult, the specific effects of each limitation requested in such order.

(6) The proposed conservatee has the right to oppose the proceeding, to have the matter of the establishment of the conservatorship tried by jury, to be represented by legal counsel if the proposed conservatee so chooses, and to have legal counsel appointed by the court if not otherwise represented by legal counsel.

(b) After the court so informs the proposed conservatee and before the establishment of the conservatorship, the court shall consult the proposed conservatee to determine the proposed conservatee's opinion concerning all of the following:

(1) The establishment of the conservatorship.

(2) The appointment of the proposed conservator.

(3) Any order requested under Chapter 4 (commencing with Section 1870), and in the case of an allegedly developmentally disabled adult, of each limitation requested in that order.

(c) This section does not apply where both of the following conditions are satisfied:

(1) The proposed conservatee is absent from the hearing and is not required to attend the hearing under subdivision (a) of Section 1825.

(2) Any showing required by Section 1825 has been made.

**SEC. 37.** Section 1894 of the Probate Code is amended to read:

**1894.** If the petition alleges that the conservatee is not willing to attend the hearing or upon receipt of an affidavit or certificate attesting to the medical inability of the conservatee to attend the hearing, the court investigator shall do all of the following:

(a) Interview the conservatee personally.

(b) Inform the conservatee of the contents of the petition, of the nature, purpose, and effect of the proceeding, and of the right of the conservatee to oppose the petition, attend the hearing, be represented by legal counsel, and to have legal counsel appointed by the court if not otherwise represented by legal counsel.

(c) Determine whether it appears that the conservatee is unable to attend the hearing and, if able to attend, whether the conservatee is willing to attend the hearing.

(d) Determine whether the conservatee wishes to contest the petition.

(e) Determine whether the conservatee wishes to be represented by legal counsel and, if so, whether the conservatee has retained legal counsel and, if not, whether the conservatee plans to retain legal counsel.

(f) Report to the court in writing, at least five days before the hearing, concerning all of the foregoing, including the conservatee's express communications concerning both (1) representation by legal counsel and (2) whether the conservatee is not willing to attend the hearing and does not wish to contest the petition.

**SEC. 38.** Section 1895 of the Probate Code is amended to read:

**1895.** (a) The conservatee, the spouse, the domestic partner, a relative, or a friend of the conservatee, the conservator, or any other interested person may appear at the hearing to support or oppose the petition.

(b) Except where the conservatee is absent from the hearing and is not required to attend the hearing under the provisions of Section 1893 and any showing required by Section 1893 has been made, the court shall inform, before granting the petition, the conservatee of all of the following:

(1) The nature and purpose of the proceeding.

(2) The nature and effect on the conservatee's basic rights of the order requested.

(3) The conservatee has the right to oppose the petition, to be represented by legal counsel if the conservatee so chooses, and to have legal counsel appointed by the court if not otherwise represented by legal counsel.

(c) After the court informs the conservatee of the matters listed in subdivision (b) and before granting the petition, the court shall consult the conservatee to determine the conservatee's opinion concerning the order requested in the petition.

**SEC. 39.** Section 2250.6 of the Probate Code is amended to read:

**2250.6.** (a) Regardless of whether the proposed conservatee attends the hearing, the court investigator shall do all of the following before the hearing, unless it is not feasible to do so, in which case the court investigator shall comply with the requirements set forth in subdivision (b):

(1) Interview the proposed conservatee personally. The court investigator also shall do all of the following:

(A) Interview the petitioner and the proposed conservator, if different from the petitioner.

(B) To the greatest extent possible, interview the proposed conservatee's spouse or registered domestic partner, relatives within the first degree, neighbors, and, if known, close friends.

(C) To the extent possible, interview the proposed conservatee's relatives within the second degree as set forth in subdivision (b) of Section 1821, before the hearing.

(2) Inform the proposed conservatee of the contents of the citation, of the nature, purpose, and effect of the temporary conservatorship, and of the right of the proposed conservatee to oppose the petition, to attend the hearing, to have the matter of the establishment of the conservatorship tried by jury, to be represented by legal counsel, and to have legal counsel appointed by the court.

(3) Determine whether it appears that the proposed conservatee is unable to attend the hearing and, if able to attend, whether the proposed conservatee is willing to attend the hearing.

(4) Determine whether the proposed conservatee wishes to oppose the establishment of the conservatorship.

(5) Determine whether the proposed conservatee objects to the proposed conservator or prefers another person to act as conservator.

(6) Report to the court, in writing, concerning all of the foregoing.

(b) If not feasible before the hearing, the court investigator shall do all of the following within two court days after the hearing:

(1) Interview the conservatee personally. The court investigator also shall do all of the following:

(A) Interview the petitioner and the proposed conservator, if different from the petitioner.

(B) To the greatest extent possible, interview the proposed conservatee's spouse or registered domestic partner, relatives within the first degree, neighbors, and, if known, close friends.

(C) To the extent possible, interview the proposed conservatee's relatives within the second degree as set forth in subdivision (b) of Section 1821.

(2) Inform the conservatee of the nature, purpose, and effect of the temporary conservatorship, as well as the right of the conservatee to oppose the petition to appoint a general conservator, to attend the hearing, to have the matter of the establishment of the conservatorship tried by jury, to be represented by legal counsel, and to have legal counsel appointed by the court if not otherwise represented by legal counsel.

(c) If the investigator does not visit the conservatee until after the hearing at which a temporary conservator was appointed, and the conservatee objects to the appointment of the temporary conservator, or requests appointment of legal counsel, the court investigator shall report this information promptly, and in no event more than three court days later, to the court. Upon receipt of that information, the court may proceed with appointment of legal counsel as provided in Chapter 4 (commencing with Section 1470) of Part 1.

(d) If it appears to the court investigator that the temporary conservatorship is inappropriate, the court investigator shall immediately, and in no event more than two court days later, provide a written report to the court so the court can consider taking appropriate action on its own motion.

(e) A superior court shall not be required to perform any duties imposed by this section until the Legislature makes an appropriation identified for this purpose.

**SEC. 40.** Section 2253 of the Probate Code is amended to read:

**2253.** (a) If a temporary conservator of the person proposes to fix the residence of the conservatee at a place other than that where the conservatee resided before the commencement of the proceedings, that power shall be requested of the court in writing, unless the change of residence is required of the conservatee by a prior court order. The request shall be filed with the petition for temporary conservatorship or, if a temporary conservatorship has already been established, separately. The request shall specify in detail the place to which the temporary conservator proposes to move the conservatee, the precise reasons that

the petitioner or temporary conservator has concluded that the conservatee will suffer irreparable harm if the change of residence is not permitted, and why no means less restrictive of the conservatee's liberty will suffice to prevent that harm.

(b) The court investigator shall do all of the following:

(1) Interview the conservatee personally.

(2) Inform the conservatee of the nature, purpose, and effect of the request made under subdivision (a), and of the right of the conservatee to oppose the request, attend the hearing, be represented by legal counsel, and to have legal counsel appointed by the court if not otherwise represented by legal counsel.

(3) Determine whether the conservatee is unable to attend the hearing because of medical inability and, if able to attend, whether the conservatee is willing to attend the hearing.

(4) Determine whether the conservatee wishes to oppose the request.

(5) Determine whether the conservatee wishes to be represented by legal counsel at the hearing and, if so, whether the conservatee has retained legal counsel and, if not, whether the conservatee plans to retain legal counsel.

(6) Determine, by considering, among other things, the medical information received pursuant to paragraph (7), whether the proposed change of place of residence is required to prevent irreparable harm to the conservatee and whether no means less restrictive of the conservatee's liberty will suffice to prevent that harm.

(7) Gather and review relevant medical reports regarding the proposed conservatee from the proposed conservatee's primary care physician and other relevant mental and physical health care providers.

(8) Report to the court in writing, at least two days before the hearing, concerning all of the foregoing, including the conservatee's express communications concerning representation by legal counsel and whether the conservatee is not willing to attend the hearing and does not wish to oppose the request.

(c) Within seven days of the date of filing of a temporary conservator's request to remove the conservatee from the conservatee's previous place of residence, the court shall hold a hearing on the request.

(d) The conservatee shall be present at the hearing except in the following cases:

(1) Where the conservatee is unable to attend the hearing by reason of medical inability. Emotional or psychological instability is not good cause for the absence of the conservatee from the hearing unless, by reason of that instability, attendance at the hearing is likely to cause serious and immediate physiological damage to the conservatee.

(2) Where the court investigator has reported to the court that the conservatee has expressly communicated that the conservatee is not willing to attend the hearing and does not wish to oppose the request, and the court makes an order that the conservatee need not attend the hearing.

(e) If the conservatee is unable to attend the hearing because of medical inability, that inability shall be established (1) by the affidavit or certificate of a licensed medical practitioner or (2) if the conservatee is an adherent of a religion whose tenets and practices call for reliance on prayer alone for healing and is under treatment by an accredited practitioner of that religion, by the affidavit of the practitioner. The affidavit or certificate is evidence only of the conservatee's inability to attend the hearing and shall not be considered in determining the issue of need for the establishment of a conservatorship.

(f) At the hearing, the conservatee has the right to be represented by counsel and the right to confront and cross-examine any witness presented by, or on behalf of, the temporary conservator and to present evidence on their own behalf.

(g) The court may approve the request to remove the conservatee from the previous place of residence only if the court finds (1) that change of residence is required to prevent irreparable harm to the conservatee and (2) that no means less restrictive of the conservatee's liberty will suffice to prevent that harm. If an order is made authorizing the temporary conservator to remove the conservatee from the previous place of residence, the order shall specify the specific place wherein the temporary conservator is authorized to place the conservatee. The temporary conservator may not be authorized to remove the conservatee from this state unless it is additionally shown that the removal is required to permit the performance of specified nonpsychiatric medical treatment, consented to by the conservatee, which is essential to the conservatee's physical survival. A temporary conservator who willfully removes a temporary conservatee from this state without authorization of the court is guilty of a felony.

(h) Subject to subdivision (e) of Section 2252, the court shall also order the temporary conservator to take all reasonable steps to preserve the status quo concerning the conservatee's previous place of residence.

(i) (1) The report required by this section shall be confidential and shall be made available only to parties, their attorneys, and the court. The clerk of the court shall limit disclosure of the report exclusively to persons entitled to the report pursuant to this section.

(2) Notwithstanding paragraph (1), confidential medical information and confidential information from the California Law Enforcement Telecommunications System (CLETS) shall be placed in a separate attachment to the report and shall not be made available to the petitioner or proposed temporary conservator if the request is filed with the petition, the temporary conservatee's spouse or registered domestic partner, and the conservatee's relatives in the first degree or, if there are no such relatives, to the next closest relative.

(j) (1) A superior court shall not be required to perform any duties imposed pursuant to the amendments to this section enacted by Chapter 493 of the Statutes of 2006 until the Legislature makes an appropriation identified for this purpose.

(2) A superior court shall not be required to perform any duties imposed pursuant to the amendments to this section enacted by the measure that added this paragraph until the Legislature makes an appropriation identified for this purpose.

**SEC. 41.** Section 2356.5 of the Probate Code is amended to read:

**2356.5.** (a) The Legislature hereby finds and declares all of the following:

(1) That a person with a major neurocognitive disorder, as defined in the last published edition of the Diagnostic and Statistical Manual of Mental Disorders, should have a conservatorship to serve the person's unique and special needs.

(2) That, by adding powers to the probate conservatorship for people with major neurocognitive disorders, their unique and special needs can be met. This will reduce costs to the conservatee and the family of the conservatee, reduce costly administration by state and county government, and safeguard the basic dignity and rights of the conservatee.

(3) That it is the intent of the Legislature to recognize that the administration of psychotropic medications has been, and can be, abused by caregivers and, therefore, granting powers to a conservator to authorize these medications for the treatment of major neurocognitive disorders requires the protections specified in this section.

(b) Notwithstanding any other law, a conservator may authorize the placement of a conservatee in a secured perimeter residential care facility for the elderly operated pursuant to Section 1569.698 of the Health and Safety Code, and that has a care plan that meets the requirements of Section 87705 of Title 22 of the California Code of Regulations, upon a court's finding, by clear and convincing evidence, of all of the following:

(1) The conservatee has a major neurocognitive disorder, as defined in the last published edition of the Diagnostic and Statistical Manual of Mental Disorders.

(2) The conservatee lacks the capacity to give informed consent to this placement and has at least one mental function deficit pursuant to subdivision (a) of Section 811, and this deficit significantly impairs the person's ability to understand and appreciate the consequences of their actions pursuant to subdivision (b) of Section 811.

(3) The conservatee needs, or would benefit from, a restricted and secure environment, as demonstrated by evidence presented by the physician or psychologist referred to in paragraph (3) of subdivision (f).

(4) The court finds that the proposed placement in a locked facility is the least restrictive placement appropriate to the needs of the conservatee.

(c) Notwithstanding any other law, a conservator of a person may authorize the administration of medications appropriate for the care and treatment of a major neurocognitive disorder, upon a court's finding, by clear and convincing evidence, of all of the following:

(1) The conservatee has a major neurocognitive disorder, as defined in the last published edition of the Diagnostic and Statistical Manual of Mental Disorders.

(2) The conservatee lacks the capacity to give informed consent to the administration of medications appropriate to the care of a major neurocognitive disorder, has at least one mental function deficit pursuant to subdivision (a) of Section 811, and this deficit or deficits significantly impairs the person's ability to understand and appreciate the consequences of their actions pursuant to subdivision (b) of Section 811.

(3) The conservatee needs, or would benefit from, appropriate medication, as demonstrated by evidence presented by the physician or psychologist referred to in paragraph (3) of subdivision (f).

(d) Pursuant to subdivision (b) of Section 2355, in the case of a person who is an adherent of a religion whose tenets and practices call for a reliance on prayer alone for healing, the treatment required by the conservator under subdivision (c) shall be

by an accredited practitioner of that religion in lieu of the administration of medications.

(e) A conservatee who is to be placed in a facility pursuant to this section shall not be placed in a mental health rehabilitation center as described in Section 5675 of the Welfare and Institutions Code, or in an institution for mental disease as described in Section 5900 of the Welfare and Institutions Code.

(f) A petition for authority to act under this section is governed by Section 2357, except as follows:

(1) The conservatee shall be represented by an attorney pursuant to Chapter 4 (commencing with Section 1470) of Part 1. Upon granting or denying authority to a conservator under this section, the court shall discharge the attorney or order the continuation of the legal representation, consistent with the standard set forth in subdivision (a) of Section 1470.

(2) The conservatee shall be produced at the hearing, unless excused pursuant to Section 1893.

(3) The petition shall be supported by a declaration of a licensed physician, or a licensed psychologist within the scope of their licensure, regarding each of the findings required to be made under this section for any power requested, except that the psychologist has at least two years of experience in diagnosing major neurocognitive disorders.

(4) The petition may be filed by any of the persons designated in Section 1891.

(g) The court investigator shall annually investigate and report to the court pursuant to Sections 1850 and 1851 if the conservator is authorized to act under this section. In addition to the other matters provided in Section 1851, the conservatee shall be specifically advised by the investigator that the conservatee has the right to object to the conservator's powers granted under this section, and the report shall also include whether powers granted under this section are warranted. If the conservatee objects to the conservator's powers granted under this section, or the investigator determines that some change in the powers granted under this section is warranted, the court shall provide a copy of the report to the attorney of record for the conservatee. If an attorney has not been appointed for the conservatee, one shall be appointed pursuant to Chapter 4 (commencing with Section 1470) of Part 1. The attorney shall, within 30 days after receiving this report, do either of the following:

(1) File a petition with the court regarding the status of the conservatee.

(2) File a written report with the court stating that the attorney has met with the conservatee and determined that the petition would be inappropriate.

(h) A petition to terminate authority granted under this section shall be governed by Section 2359.

(i) This section does not affect a conservatorship of the estate of a person who has a major neurocognitive disorder.

(j) This section does not affect the laws that would otherwise apply in emergency situations.

(k) This section does not affect current law regarding the power of a probate court to fix the residence of a conservatee or to authorize medical treatment for a conservatee who has not been determined to have a major neurocognitive disorder.

**SEC. 42.** Section 15800 of the Probate Code is amended to read:

**15800.** (a) Except to the extent that the trust instrument otherwise provides or where the joint action of the settlor and all beneficiaries is required, during the time that a trust is revocable and at least one person holding the power to revoke the trust, in whole or in part, is competent, the following shall apply:

(1) The person holding the power to revoke, and not the beneficiary, has the rights afforded beneficiaries under this division.

(2) The duties of the trustee are owed to the person holding the power to revoke.

(b) Except to the extent that the trust instrument otherwise provides or where the joint action of the settlor and all beneficiaries is required, if, during the time that a trust is revocable, no person holding the power to revoke the trust, in whole or in part, is competent, the following shall apply:

(1) Within 60 days of receiving information establishing the incompetency of the last person holding the power to revoke the trust, the trustee shall provide notice of the application of this subdivision and a true and complete copy of the trust instrument and any amendments to each beneficiary to whom the trustee would be required or authorized to distribute income or principal if the settlor had died as of the date of receipt of the information. If the trust has been completely restated, the trustee need not include the trust instrument or amendments superseded by the last restatement.

(2) The duties of the trustee to account at least annually or provide information requested under Section 16061 shall be owed to each beneficiary to whom the trustee would be required or authorized to distribute income or principal if the settlor had died during the account period or the period relating to the administration of the trust relevant to the report, as applicable.

(3) A beneficiary whose interest is conditional on some factor not yet in existence or not yet determinable shall not be considered a beneficiary for purposes of this section, unless the trustee, in the trustee's discretion, believes it is likely that the condition or conditions will be satisfied at the time of the settlor's death.

(4) If the interest of a beneficiary fails because a condition to receiving that interest has not been satisfied or the trustee does not believe that the condition will be satisfied at the time of the settlor's death, the duties in paragraphs (1) and (2) shall be owed to the beneficiary or beneficiaries who would next succeed to that interest at the relevant time or period as determined under the trust instrument, as amended and restated.

(c) Incompetency, for the purposes of subdivision (b), may be established by either of the following:

(1) The method for determining incompetency specified by the trust instrument, as amended or restated.

(2) A judicial determination of incompetency.

**SEC. 43.** Section 224.2 of the Welfare and Institutions Code is amended to read:

**224.2.** (a) The court, county welfare department, and the probation department have an affirmative and continuing duty to inquire whether a child for whom a petition under Section 300, 601, or 602 may be or has been filed, is or may be an Indian child. The duty to inquire begins with the initial contact, including, but not limited to, asking the party reporting child abuse or neglect whether the party has any information that the child may be an Indian child.

(b) If a child is placed into the temporary custody of a county welfare department pursuant to Section 306 or county probation department pursuant to Section 307, the county welfare department or county probation department has a duty to inquire whether that child is an Indian child. Inquiry includes, but is not limited to, asking the child, parents, legal guardian, Indian custodian, extended family members, others who have an interest in the child, and the party reporting child abuse or neglect, whether the child is, or may be, an Indian child and where the child, the parents, or Indian custodian is domiciled.

(c) At the first appearance in court of each party, the court shall ask each participant present in the hearing whether the participant knows or has reason to know that the child is an Indian child. The court shall instruct the parties to inform the court if they subsequently receive information that provides reason to know the child is an Indian child.

(d) There is reason to know a child involved in a proceeding is an Indian child under any of the following circumstances:

(1) A person having an interest in the child, including the child, an officer of the court, a tribe, an Indian organization, a public or private agency, or a member of the child's extended family informs the court that the child is an Indian child.

(2) The residence or domicile of the child, the child's parents, or Indian custodian is on a reservation or in an Alaska Native village.

(3) Any participant in the proceeding, officer of the court, Indian tribe, Indian organization, or agency informs the court that it has discovered information indicating that the child is an Indian child.

(4) The child who is the subject of the proceeding gives the court reason to know that the child is an Indian child.

(5) The court is informed that the child is or has been a ward of a tribal court.

(6) The court is informed that either parent or the child possess an identification card indicating membership or citizenship in an Indian tribe.

(e) If the court, social worker, or probation officer has reason to believe that an Indian child is involved in a proceeding, but does not have sufficient information to determine that there is reason to know that the child is an Indian child, the court, social worker, or probation officer shall make further inquiry regarding the possible Indian status of the child, and shall make that inquiry as soon as practicable.

(1) There is reason to believe a child involved in a proceeding is an Indian child whenever the court, social worker, or probation officer has information suggesting that either the parent of the child or the child is a member or may be eligible for membership in an Indian tribe. Information suggesting membership or eligibility for membership includes, but is not limited to, information that indicates, but does not establish, the existence of one or more of the grounds for reason to know enumerated in paragraphs (1) to (6), inclusive, of subdivision (d).

(2) When there is reason to believe the child is an Indian child, further inquiry is necessary to help the court, social worker, or probation officer determine whether there is reason to know a child is an Indian child. Further inquiry includes, but is not limited to, all of the following:



(A) Interviewing the parents, Indian custodian, and extended family members to gather the information required in paragraph (5) of subdivision (a) of Section 224.3.

(B) Contacting the Bureau of Indian Affairs and the State Department of Social Services for assistance in identifying the names and contact information of the tribes in which the child may be a member, or eligible for membership in, and contacting the tribes and any other person that may reasonably be expected to have information regarding the child's membership status or eligibility.

(C) Contacting the tribe or tribes and any other person that may reasonably be expected to have information regarding the child's membership, citizenship status, or eligibility. Contact with a tribe shall, at a minimum, include telephone, facsimile, or electronic mail contact to each tribe's designated agent for receipt of notices under the federal Indian Child Welfare Act of 1978 (25 U.S.C. Sec. 1901 et seq.). Contact with a tribe shall include sharing information identified by the tribe as necessary for the tribe to make a membership or eligibility determination, as well as information on the current status of the child and the case.

(f) If there is reason to know, as set forth in subdivision (d), that the child is an Indian child, the party seeking foster care placement shall provide notice in accordance with paragraph (5) of subdivision (a) of Section 224.3.

(g) If there is reason to know the child is an Indian child, but the court does not have sufficient evidence to determine that the child is or is not an Indian child, the court shall confirm, by way of a report, declaration, or testimony included in the record that the agency or other party used due diligence to identify and work with all of the tribes of which there is reason to know the child may be a member, or eligible for membership, to verify whether the child is in fact a member or whether a biological parent is a member and the child is eligible for membership.

(h) A determination by an Indian tribe that a child is or is not a member of, or eligible for membership in, that tribe, or testimony attesting to that status by a person authorized by the tribe to provide that determination, shall be conclusive. Information that the child is not enrolled, or is not eligible for enrollment in, the tribe is not determinative of the child's membership status unless the tribe also confirms in writing that enrollment is a prerequisite for membership under tribal law or custom.

(i) (1) When there is reason to know that the child is an Indian child, the court shall treat the child as an Indian child unless and until the court determines on the record and after review of the report of due diligence as described in subdivision (g), and a review of the copies of notice, return receipts, and tribal responses required pursuant to Section 224.3, that the child does not meet the definition of an Indian child as used in Section 224.1 and the federal Indian Child Welfare Act of 1978 (25 U.S.C. Sec. 1901 et seq.).

(2) If the court makes a finding that proper and adequate further inquiry and due diligence as required in this section have been conducted and there is no reason to know whether the child is an Indian child, the court may make a finding that the federal Indian Child Welfare Act of 1978 (25 U.S.C. Sec. 1901 et seq.) does not apply to the proceedings, subject to reversal based on sufficiency of the evidence. The court shall reverse its determination if it subsequently receives information providing reason to believe that the child is an Indian child and order the social worker or probation officer to conduct further inquiry pursuant to Section 224.3.

(j) Notwithstanding a determination that the federal Indian Child Welfare Act of 1978 does not apply to the proceedings, if the court, social worker, or probation officer subsequently receives any information required by Section 224.3 that was not previously available or included in the notice issued under Section 224.3, the party seeking placement shall provide the additional information to any tribes entitled to notice under Section 224.3 and to the Secretary of the Interior's designated agent.

(k) Notwithstanding any other provision, an Indian child's tribe may participate by telephone, or other remote appearance options, in proceedings in which the federal Indian Child Welfare Act of 1978 (25 U.S.C. Sec. 1901 et seq.) may apply. The method of appearance may be determined by the court consistent with court capacity and contractual obligations, and taking into account the capacity of the tribe, as long as a method of effective remote appearance and participation sufficient to allow the tribe to fully exercise its rights is provided. Fees shall not be charged for court appearances established under this subdivision conducted in whole or in part by remote means.

**SEC. 44.** Section 22.5 of this bill incorporates amendments to Section 12931 of the Government Code proposed by both this bill and Senate Bill 523. That section shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2023, (2) each bill amends Section 12931 of the Government Code, and (3) this bill is enacted after Senate Bill 523, in which case Section 22 of this bill shall not become operative.

**SEC. 45.** Section 33.5 of this bill incorporates amendments to Section 1821 of the Probate Code proposed by both this bill and Assembly Bill 1663. That section shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2023, (2) each bill amends Section 1821 of the Probate Code, and (3) this bill is enacted after Assembly Bill 1663, in which case Section 33 of this bill shall not become operative.

**SEC. 46.** If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.